State of Louisiana

EXECUTIVE DEPARTMENT

PROCLAMATION NUMBER 74 JBE 2020

STATE OF EMERGENCY FOR COVID-19 PHASE 2 OF RESILIENT LOUISIANA

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, the Governor declared a public health emergency on March 11, 2020 in Proclamation Number 25 JBE 2020 in response to the threat posed by COVID-19;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, on March 11, 2020 in Proclamation Number 25 JBE 2020, the Governor declared that a statewide public health emergency existed in the State of Louisiana because of COVID-19 and expressly empowered the Governor's Office of Homeland Security and Emergency Preparedness and the Secretary of the Department of Health and/or the State Health Officer to take all actions authorized under state law;

WHEREAS, on March 13, 2020, in Proclamation Number 27 JBE 2020, the Governor supplemented the measures taken in his declaration of a Public Health Emergency with additional restrictions and suspensions of deadlines and regulations in order to protect the health and safety of the public because of COVID-19;

WHEREAS, on March 22, 2020, in Proclamation Number 33 JBE 2020, the Governor issued a Stay at Home order that, among other things, ordered the people of Louisiana to stay at their homes unless taking essential trips or to travel to or from a place of employment, ordered some non-essential businesses to be closed, and placed limitations on other businesses that were allowed to remain open;

WHEREAS, this order was extended to April 30, 2020 in Proclamation Number 41 JBE 2020 and was further extended until May 15, 2020 in Proclamation Number 52 JBE 2020;

WHEREAS, since the time of the original Stay at Home order, the number of new COVID-19 cases and COVID-related hospitalizations in Louisiana have decreased, with the peak of hospitalizations occurring on or near April 13, 2020;

WHEREAS, on April 16, 2020, the White House Coronavirus Task Force issued guidelines entitled "Opening Up America Again" that provided guidance to the states on how various parts of the economy could be re-opened;

WHEREAS, this guidance calls for the re-opening to occur in three phases, with the criteria for movement into the first phase being a 14-day downward trajectory in influenza-like and COVID-like symptoms, a 14-day downward trajectory in cases or positive tests as a percent of total tests, and the ability for hospitals to treat all patients without crisis care;

WHEREAS, the criteria also calls for the state to have a robust testing program in place, including testing for at-risk healthcare workers;

WHEREAS, pursuant to Proclamation Number 58 JBE 2020, the State of Louisiana moved into Phase 1 of recovery on Friday, May 15, 2020;

WHEREAS, since entering Phase 1, the requirements set by the White House Coronavirus Task Force to move into Phase 2 have been met;

WHEREAS, this gradual re-opening is based upon the advice and expertise of medical experts at the Louisiana Department of Health;

WHEREAS, should there be an increase in the number of confirmed COVID cases or should the number of COVID related hospitalizations threaten the ability of the health care system to properly respond, it may be necessary to go back to the full restrictions in the Stay at Home order in Proclamation Number 52 JBE 2020; and

WHEREAS, these measures are necessary to protect the health and safety of the people of Louisiana.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: GENERAL PROVISIONS

A) Pursuant to the Louisiana Health Emergency Powers Act, La. R.S. 29:760, *et seq.*, a statewide public health emergency is declared to continue to exist in the State of Louisiana as a result of the continued threat posed to Louisiana citizens by COVID-19, the effects of which continue to threaten the lives and health of the citizens of the state.

B) The Governor's Office of Homeland Security and Emergency Preparedness and Secretary of the Department of Health are hereby expressly empowered to take any and all actions authorized under the Louisiana Health Emergency Powers Act, La. R.S. 29:760, *et seq.*, in relation to this public health emergency.

C) The Secretary of the Department of Health and/or the State Health Officer are hereby expressly empowered to take any and all actions authorized thereto under Titles 29 and 40 of the Louisiana Revised Statutes and under the State Sanitary Code (LAC Title 51) in relation to this public health emergency.

D) Pursuant to La. R.S. 14:329.6, a state of emergency is declared to remain in existence statewide for the purposes of allowing the chief law enforcement officer of any political subdivision to, in order to protect life and property and to bring the emergency situation under control, promulgate orders for any provision therein, including a local curfew from 10:00 p.m. to 5:00 a.m.

SECTION 2: PHASE 2 ORDER

A) All individuals who are at higher risk of severe illness from COVID-19 should stay at home, unless travelling outside the home for an essential activity, such as:

1) Obtaining food, medicine, and other similar goods necessary for the individual or a family member of the individual.
2) Obtaining medical care and treatment and other similar vital services for an individual or a family member of the individual.
3) Going to and from an individual's workplace.
4) Going to and from the home of a family member.
5) Going to and from an individual's place of worship.
6) Engaging in outdoor activity, provided individuals maintain a distance of six feet from one another.

Those individuals who are at higher risk of severe illness, as designated by the Centers for Disease Control (CDC), are those with conditions such as asthma, chronic lung disease, compromised immune systems (including from smoking, cancer treatment, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, or use of corticosteroids or other immune

weakening medications), diabetes, serious heart disease (including heart failure, coronary artery disease, congenital heart disease, cardiomyopathies, and hypertension), chronic kidney disease undergoing dialysis, liver disease, or severe obesity or those who are 65 or older or living in a nursing home or long-term care facility.

B) All individuals should avoid groups of any size that do not allow for moderate social distancing.

C) All businesses and organizations shall require that any owner or employee having interaction or contact with the public shall wear a mask or a face covering.

D) All individuals are strongly encouraged to wear masks or face coverings at all times if interacting with other members of the public outside of household family members, stay home and isolated if experiencing any COVID-19-like symptoms, wash hands frequently, and maintain moderate social distancing.

E) CLOSURE OF NONESSENTIAL BUSINESSES

1) The following nonessential businesses shall remain closed to the public and members: places of public amusement, including but not limited to, locations with amusement rides, carnivals, amusement parks, splash pads, water parks, trampoline parks, arcades, fairs and festivals, children's play centers, indoor playgrounds, theme parks, concert and music halls.

2) Any business remaining closed under Subsection (E)(1) above may submit a reopening plan with specific proposals for occupancy and sanitization to the State Fire Marshal. The State Fire Marshal is authorized to approve a reopening plan and allow for reopening or may provide guidance necessary for a reopening in Phase 3. The State Fire Marshal shall further consult with the Louisiana Department of Health in reviewing any reopening plan. No occupancy limits authorized by the State Fire Marshal under this Subsection may exceed 50% occupancy.

3) Businesses closed to the public pursuant to Paragraph (1) of this Subsection shall not be prohibited from conducting necessary activities such as payroll, cleaning services, maintenance or upkeep as necessary.

F) CRITICAL INFRASTRUCTURE AND ESSENTIAL BUSINESSES

All businesses outlined in the guidance from the Cybersecurity and Infrastructure Agency (CISA) as outlined in version 3.1 of that guidance and published at www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce may remain in full operation. All owners and employees at such businesses shall maintain moderate social distancing between themselves and members of the public and shall wear face coverings at all times if interacting with the public.

G) OTHER BUSINESSES AND ORGANIZATIONS ALLOWED TO CONTINUE OPERATATIONS

1) Restaurants, Cafes, Coffee Shops, and Bar

a) All restaurants, cafes, and coffee shops shall be allowed to continue drive-up or curb-side delivery service.
b) All restaurants, cafes, and coffee shops shall be allowed to begin dine-in service under the following conditions:
   i) No establishment shall exceed 50% of the total occupancy as determined by the State Fire Marshal.
   ii) All employees and owners at such businesses shall maintain moderate social distancing between themselves and members of the public and shall wear face coverings at all times if interacting with the public.

iii) Waiting areas shall be closed. Members of the public should be required to make reservations or to wait outside, while maintaining moderate social distancing, or in vehicles.
iv) All buffets or other common food stations shall remain closed.

c) Any bar with an approved food service permit from the Louisiana Department of Health may operate under the same requirements in subparagraph G(1)(b) above.
d) Any bar without an approved food service permit from the Louisiana Department of Health may reopen but shall not exceed 25% of the total occupancy as determined by the State Fire Marshal.
e) Any business operating pursuant to this subsection shall follow the applicable guidance from the State Fire Marshal published at opensafely.la.gov and the Louisiana Department of Health with regard to sanitization and disinfection.

2) Beauty Shops, Salons, and Barber Shops

All beauty shops, salons, and barber shops shall be allowed to operate under the following conditions:

a) No establishment shall exceed 50% of the total occupancy as determined by the State Fire Marshal.
b) Waiting areas shall be closed. Members of the public should be required to make reservations or to wait outside, while maintaining social distancing, or in vehicles.
c) All employees and owners at such businesses shall maintain as much as possible moderate social distancing between themselves and between members of the public and shall wear face coverings at all times if interacting with the public.
d) Any business operating pursuant to this subsection shall follow the applicable guidance from the State Fire Marshal published at opensafely.la.gov and their applicable regulatory board or agency with regard to sanitization and disinfection.

3) Shopping Malls

All shopping malls shall be allowed to operate under the following conditions:

a) Shopping malls may reopen at no more than 50% of the total occupancy as determined by the State Fire Marshal.
b) Any store or business establishment in a shopping mall may reopen at no more than 50% of the total occupancy as determined by the State Fire Marshal, counting both the number of employees and members of the public present in the building at one time.
c) All employees or owners at any mall businesses shall maintain moderate social distancing between themselves and between members of the public and shall wear face coverings at all times if interacting with the public.
d) Mall food courts may open in line with the restaurant guidance contained in Subsection (G)(1) above and the restaurant guidance published at opensafely.la.gov.
e) Any establishment in operation shall follow guidance from the Louisiana Department of Health with regard to sanitization and disinfection.

4) Churches and other faith-based organizations:

a) No establishment shall exceed 50% of the total occupancy as determined by the State Fire Marshal.
b) Outdoor services may continue pursuant to the May 1, 2020 guidance set forth by the State Fire Marshal.

c) All employees of churches and faith-based organizations shall maintain moderate social distancing to the extent possible between themselves and members of the public and shall wear face coverings at all times if interacting with the public.
d) Lobbies or other areas where members of the public may congregate (except for bathrooms) shall be closed to the public.
e) Any church or faith-based organization shall follow the applicable guidance from the State Fire Marshal published at opensafely.la.gov.

5) Casinos, Racetracks, and Video Poker Establishments:

a) No establishment shall exceed 50% of the total occupancy as determined by the State Fire Marshal.
b) No more than 75% of gaming positions shall be in use at any one time and all utilized gaming positions shall be at least 6 feet apart from one another, unless separated by physical barriers.
c) All establishments shall be required to have approved reopening plans from the Louisiana Gaming Control Board prior to reopening. Further, any plan to use physical barriers needs to be approved by the Louisiana Gaming Control Board.
d) All racetracks shall be required to have an approved reopening plan from the Louisiana Racing Commission prior to reopening.
e) All employees and owners of such businesses shall maintain moderate social distancing to the extent possible between themselves and members of the public and shall wear face coverings at all times if interacting with the public.
f) Lobbies or other areas where members of the public may congregate (except for bathrooms) shall be closed to the public. Members of the public should be required to wait outside, while maintaining social distancing, or in vehicles.

6) Gyms and fitness centers:

a) No establishment shall exceed 50% of the total occupancy as determined by the State Fire Marshal.
b) All employees and owners of such businesses shall maintain moderate social distancing to the extent possible between themselves and members of the public and shall wear face coverings at all times if interacting with the public.
c) Waiting rooms, lobbies, or other areas where members of the public may congregate (except for bathrooms) shall be closed to the public. Members of the public should be required to wait outside, while maintaining social distancing, or in vehicles.
d) Any business operating pursuant to this subsection shall follow the applicable guidance from the State Fire Marshal published at opensafely.la.gov and the Louisiana Department of Health with regard to sanitization and disinfection.

7) All other businesses or organizations shall be allowed to continue operations, subject to the following conditions:

a) No establishment shall exceed 50% of the total occupancy as determined by the State Fire Marshal.
b) All employees and owners of such businesses shall maintain social distancing to the extent possible between themselves and members of the public and shall wear face coverings at all times if interacting with the public.
c) Waiting rooms, lobbies, or other areas where members of the public may congregate (except for bathrooms) shall be closed to the public. Members of the public should be required to wait outside, while maintaining social distancing, or in vehicles.

d) Any business operating pursuant to this subsection shall follow the applicable guidance from the State Fire Marshal published at opensafely.la.gov and the Louisiana Department of Health with regard to sanitization and disinfection.

SECTION 3: The Resilient Louisiana Commission and the industry task forces set up under the commission are hereby authorized to develop further guidance to assist in the movement into Phase 2. Upon written approval by the Governor, this guidance shall be considered incorporated into this proclamation.

SECTION 4: The Governor's Office of Homeland Security and Emergency Preparedness is directed to ensure compliance with this order, and is empowered to exercise all authorities pursuant to La. R.S. 29:721, *et seq.*, and La. R.S. 29:760, *et seq.*

SECTION 5: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in actions the state may take in response to the effects of this event.

SECTION 6: Unless otherwise provided in this order, these provisions are effective from Friday, June 5, 2020 to Friday, June 26, 2020, or as extended by any subsequent Proclamation, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 4th day of June, 2020.

GOVERNOR OF LOUISIANA