STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 20-26

FOR: **ROADMAP TO REOPEN INDIANA FOR HOOSIERS, BUSINESSES AND STATE GOVERNMENT**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, on March 6, 2020, I issued Executive Order 20-02 which declared that a public health emergency exists throughout the State of Indiana as result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and a confirmed report of the disease in our State and this initial declaration has been extended by me in Executive Orders 20-17 & 20-25;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic and, on March 13, 2020, the President of the United States declared a national emergency with respect to this dangerous virus;

WHEREAS, to reduce and slow the spread of COVID-19, the Centers for Disease Control and Prevention (CDC) and Indiana State Department of Health (ISDH) recommended implementation of mitigation strategies to contain this virus including limitations on large gatherings and social distancing measures;

WHEREAS, in order to take all necessary steps to increase containment of this virus, I have issued various Executive Orders including the following:

- I issued Executive Order 20-08 on March 23, 2020, which required all persons residing in Indiana to stay at home except for, among other things, conducting essential travel and activities, and participating in the operation of essential businesses or the operation of essential governmental functions, and these general provisions have been extended by Executive Orders 20-18 & 20-22;

- I issued Executive Order 20-09 on March 23, 2020, which prohibited access to all state government buildings, offices and facilities by the public, restricting access only to those members of the public needing to conduct services essential to public health and safety and which cannot otherwise be conducted electronically, telephonically and/or delayed. This restriction extends to the Indiana Government Center, Indianapolis office locations, and other offices throughout our State and this has been extended by Executive Orders 20-18 & 20-22; and

- I issued Executive Orders 20-04, 20-10, 20-11, 20-14, 20-18 & 20-22 which, among other things, prohibited restaurants, bars, nightclubs and other establishments from providing in-dining services and established compliance and enforcement actions to be taken against dining establishments failing to prohibit in-person dining;

WHEREAS, as of the date of this Executive Order, the virus has now spread to every county in our State, with over 18,000 confirmed cases and more than 1,000 deaths;

WHEREAS, as Governor, under Indiana's Emergency Management and Disaster Law, Ind. Code ch. 10-14-3 ("Emergency Disaster Law"), I have authority to take actions necessary to prepare for, respond to and address a public health disaster emergency including the following:

- making, amending and rescinding the necessary orders, rules and regulations to carry out the response to a public health disaster emergency;

- suspending the provisions of any regulatory statute prescribing the procedures for conduct of state business, including the orders, rules or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency;

- transferring the direction, personnel, or functions of state departments and agencies or units for performing or facilitating emergency services; and

- using any and all available resources of state government and of each political subdivision of our State as reasonably necessary to cope with the public health disaster emergency;

WHEREAS, the ISDH has authority under Title 16 of the Indiana Code to take measures in connection with prevention and suppression of disease and epidemics;

WHEREAS, the Indiana Occupational Safety and Health Agency (IOSHA) has authority under Title 22 of the Indiana Code to inspect and take steps to ensure businesses are operating a workplace free from recognized hazards that are causing or likely to cause death or serious physical harm to employees;

WHEREAS, on April 10, 2020, I announced the creation of Indiana's Economic Relief and Recovery Team ("Governor's Recovery Team") comprised of government and business leaders who, among other things, will plan, administer and account for federal relief funds our State receives from the CARES Act and also advise on how and when to best reopen our State's economy;

WHEREAS, on April 16, 2020, I requested input, suggestions and recommendations from associations, industries and business groups, regarding how to safely and prudently begin the process of reopening the parts of Indiana's economy that have been closed or not fully operational;

WHEREAS, to reopen our Hoosier economy, we must continue to prioritize Hoosiers' health by working with experts to take a data-driven approach to make decisions based on facts, science, and recommendations from experts in health care, business, labor, and education in reopening our economy;

WHEREAS, to continue to protect Hoosiers from the spread of this dangerous virus, we must reopen our Hoosier economy in stages based on the level of severity COVID-19 in a particular county; and

WHEREAS, based on the status of COVID-19 in our State, consultation with and concurrence of the Commissioner of the ISDH, as well as the recommendations of the Governor's Recovery Team, the White House Coronavirus Task Force, and the CDC, we are providing for a phased reopening of Indiana's economy;

NOW, THEREFORE, I, Eric J. Holcomb, by virtue of the authority vested in me as Governor by the Indiana Constitution and the laws of the State of Indiana, do hereby order:

1. **Duration**

To continue mitigation of COVID-19 and to lower the risk of a resurgence, a measured and staggered approach to reopening businesses and entities will be instituted. Five stages will be used with each additional stage being subject to fewer restrictions and limitations than the previous stage. This Executive Order encompasses directives only for Stages 1 & 2 and additional Executive Orders will be issued with directives for the remaining stages. Stage 1 retains the restrictions and limitations set forth in Executive Order 20-22. Stages 2 through 5 may allow for the opening of additional businesses and entities and, at each stage, provide further lifting of restrictions and limitations on certain businesses and entities currently open and operating.

Therefore, this Executive Order shall become effective at 11:59 p.m. on May 1, 2020, and will remain in full force and effect until 11:59 p.m. on May 23, 2020, unless I rescind, modify or extend it.

To the extent specified in this Executive Order, Executive Order 20-22 is extended and will remain in full force and effect until 11:59 p.m. on May 23, 2020, unless I further rescind, modify or extend it.

Subject to the modifications in this Executive Order, Executive Orders 20-04, 20-09, 20-10, 20-11, 20-14, & 20-18 pertaining to Restaurants, Alcoholic Beverage laws, Enforcement, and Continuity of State Government will remain in full force and effect until 11:59 p.m. on May 23, 2020, unless I further rescind, modify or extend it.

2. General Provisions Governing the Reopening of Indiana Businesses and Entities

For purposes of this Executive Order, all businesses or entities situated or operating in the State of Indiana are covered by directives in this Executive Order and include any for-profit, non-profit or educational entity, regardless of the nature of the service, the function it performs, or its corporate or entity structure.

a. **County by County Assessment**: From the date of this Executive Order until at least May 3, 2020, each county will be in Stage 1. As the impact of COVID-19 for each county has varied, the impact in each county will be continually assessed to determine which stage applies to a particular county at the end of each time period. If the impact of COVID-19 is minimal or has significantly lessened, the county may be permitted to advance to the next stage. However, if the impact of COVID-19 has increased or failed to lessen, the county may be required to stay at the current stage or return to a prior stage.

b. **Time Periods for Each Stage:** Businesses and entities within a county may be permitted to advance to the next stage at set times if certain criteria are met as outlined below. The time period encompassing each stage before a reassessment and potential transition to another stage is as follows:

   i) Stage 1: From May 1, 2020, through May 3, 2020

   ii) Stage 2: From May 4, 2020, through May 23, 2020

c. **Criteria:** Counties may be permitted to advance to the next stage or be required to stay at a current stage or return to a prior stage when considering, among other things, the following:

   i) The number of hospitalized COVID-19 patients;

   ii) The capacity for critical care beds and ventilators;

   iii) The ability to test for COVID-19; and

   iv) The capacity for contact tracing.

3. Current Assessment of the Impact of COVID-19 for the Reopening of Indiana

In applying the criteria listed above, each county is designated as follows:

a. From May 1, 2020, at 11:59 p.m. through May 3, 2020, at 11:59 p.m., all Indiana counties are in Stage 1 and shall continue to adhere to the directives in Executive Order 20-22.

b. On May 4, 2020 at 12:00 a.m. through May 23, 2020, at 11:59 p.m., all Indiana counties except Cass, Lake & Marion, will be permitted to advance to Stage 2 and must adhere to the directives in this Executive Order. Cass, Lake & Marion counties remain in Stage 1.

c. On May 11, 2020 at 12:00 a.m. through May 23, 2020, at 11:59 p.m., Lake and Marion counties will be permitted to advance to Stage 2 at which time the county must adhere to the directives in this Executive Order. Cass county remains in Stage 1.

d. On May 18, 2020 at 12:00 a.m. through May 23, 2020, at 11:59 p.m., Cass county will be permitted to advance to Stage 2. Until May 18, 2020, this county must continue to adhere to the directives in Executive Order 20-22.

e. As set forth in ¶¶ 35 & 36, unless otherwise specified, nothing in this Executive Order prohibits a county from imposing more stringent requirements than this Executive Order requires.

4. **Requirements for All Businesses and Entities in Indiana**

Businesses continuing operations or being allowed to reopen must adhere to the following:

a. **Safeguards:** On or before May 11, 2020, all Hoosier employers shall develop a plan to implement measures and institute safeguards to ensure a safe environment for their employees, customers, clients, and members. The plan shall be provided to each employee or staff and posted publicly. The plan shall address, at a minimum, the following points:

   i) Instituting an employee health screening process;

   ii) Employing enhanced cleaning and disinfecting protocols for the workplace, including regularly cleaning high-touch surfaces;

   iii) Enhancing the ability of employees, customers and clients to wash hands or take other personal hygiene measures such as use of hand sanitizer;

   iv) Complying with social distancing requirements established by the CDC, including maintaining six-foot social distancing for both employees and members of the general public when possible and/or employing other separation measures such as wearing face coverings or using barriers; and

b. **IOSHA Standards**: All employers, whether manufacturers, distributors, professional offices, retailers or others, must comply with safety and health standards established and enforced by IOSHA. Employers are subject to specific standards to prevent the exposure or spread of a disease. Additionally, the General Duty Clause requires employers to provide their employees with a workplace free from recognized hazards likely to cause death or serious physical harm.

5. **Guidance for all Businesses/Employers**

All businesses and employers are encouraged to adopt and/or take the following actions:

a. Allow as many employees as possible to work from home by implementing policies regarding teleworking and video conferencing.

b. Ensure sick leave policies are up to date, flexible, and non-punitive in order to allow sick employees to stay home to care for themselves, children or other family members. Consider encouraging employees to do a self-assessment each day in order to check if they have any COVID-19 type symptoms (fever, cough or shortness of breath).

c. Actively encourage sick employees to stay home until they are free of fever (without the use of medication) for at least 72 hours (three full days) and symptoms have improved for at least 72 hours and at least seven days have passed since symptoms first began. Suspend any policies and do not require a healthcare provider's note to validate the illness or return to work of employees who are sick with acute respiratory illness.

d. Promptly separate employees who appear to have acute respiratory illness symptoms from other employees and send them home immediately. Restrict their access to the business until they have recovered.

e. Reinforce key messages to all employees regularly (including stay home when sick, use cough and sneeze etiquette, and practice hand hygiene), and place posters in areas where they are most likely to be seen. Provide protection supplies such as soap and water, hand sanitizer, tissues, and no-touch disposal receptacles for use by employees.

f. Frequently perform enhanced environmental cleaning of commonly touched surfaces, such as workstations, countertops, railings, door handles, and doorknobs. Use the cleaning agents that are usually used in these areas and follow the directions on the label. Provide disposable wipes so commonly used surfaces can be wiped down by employees before each use.

g. Be prepared to change business practices, if needed, in order to maintain critical operations (*e.g.*, identify alternative suppliers, prioritize customers or temporarily suspend some of your operations).

6. **Social Distancing and Other Requirements**

The phrase "social distancing" includes maintaining at least six feet of social distancing from other individuals. The phrase "sanitation requirements" or "sanitation measures" includes washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands. All businesses and entities must take proactive measures to ensure compliance with the social distancing and sanitation requirements, including, where possible, the following:

a. **Designate Six-Foot Distances:** Designating with signage, tape or by other means, six feet of spacing for employees, customers, clients or members to maintain appropriate distance.

b. **Hand Sanitizer and Sanitizing Products:** Having hand sanitizer, and sanitizing products, readily available for employees and customers.

c. **Separate Operating Hours for Vulnerable Populations:** Implementing separate operating hours for the elderly and vulnerable customers.

d. **Online and Remote Access:** Posting online whether a facility is open and how best to reach the facility and to continue services by phone or remotely.

7. **Guidance for Staying at Home or Place of Residence**

a. **Stay at Home**:

In Stage 1, all individuals must adhere to the directives in Executive Order 20-22.

In Stage 2, all individuals should stay at home or their place of residence as much as practicable to mitigate the spread of COVID-19. Individuals should, to the extent practicable, limit trips out of their home. Trips outside of the home are expected for travel to employment, to purchase necessities of life and to care for a family member, friend, or pet in another household, and to transport family members, friends, or pets. When outside the home, individuals shall, as much as reasonably possible, maintain social distancing of at least six (6) feet from any other person, with the exception of family or household members. Additionally, when outside of homes or residences, individuals are strongly encouraged to wear face coverings.

b. **Retail Purchases:** In conducting retail purchases of goods or services individuals are encouraged to follow these best practices:

i) All individuals in the State should postpone making in-person purchases of goods and services unless and until such items are needed for sustenance, health, education, or employment;

ii) All individuals in the State should use online or call-in ordering of goods and services with either delivery or curbside pickup to the greatest extent practicable;

iii) In instances where an individual must visit a retail business, an individual should limit the number and frequency of retail businesses visited to purchase goods and services; and

iv) All individuals in the State should limit the number of household members who travel to and enter stores for the purpose of making necessary purchases to the minimum necessary.

c. **High Risk and Vulnerable Individuals**: People at high risk of severe illness from COVID-19, including those 65 and above and those who are sick or have underlying medical issues, are urged to stay in their residence to the extent possible, except as necessary to seek medical care.

d. **Homeless Populations**: Individuals experiencing homelessness are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as reasonably possible and to the maximum extent practicable (and to use, in their operation, COVID-19 risk mitigation practices recommended by the CDC and the ISDH).

e. **Unsafe Homes**: With respect to individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, they are expressly permitted and urged to leave their home and stay at a safe alternative location.

f. **Definitions**: The terms "homes" and "residences" shall include houses, apartments, hotels, motels, shared rental units, shelters, and other similar buildings.

g. **Travel**:

In Stage 1, only essential travel is permitted. People riding on public transit must comply with social distancing to the greatest extent feasible and are strongly encouraged to wear face coverings.

In Stage 2, travel is permitted. People riding on public transit must comply with social distancing to the greatest extent feasible and are strongly encouraged to wear face coverings.

h. **Isolation & Quarantine Orders**: Nothing in this Executive Order prevents the ISDH or local health departments from issuing and enforcing isolation and quarantine orders.

8. **Retail Businesses**

a. **Reopening or Continuation of Retail Businesses**

If in Stage 1, retail businesses must adhere to all directives in Executive Order 20-22.

Once a county is permitted to advance to Stage 2, all retail businesses within the county may open to the public under the following conditions and restrictions:

i) Retail businesses shall limit the number of customers in their facility at any given time to no more than 50% of occupational capacity;

ii) Retail businesses should limit their hours of operation and consider implementing separate operating hours for the elderly and other vulnerable customers under all stages;

iii) Retail businesses should require employees to wear face coverings and should consider requiring customers to wear face coverings;

iv) Retail businesses shall comply with social distancing or other separation measures, sanitation of applicable areas and take other mitigation measures to protect its employees and the public; and

v) Malls shall limit the number of individuals in common areas around retail businesses to no more than 25% of occupancy capacity.

b. Retail businesses are encouraged to promote and continue online or call-in ordering with delivery or curbside pickup.

c. Retail businesses are strongly encouraged to consult and implement industry best practices.

9. **Sale of Firearms and Ammunition**

Pursuant to Ind. Code § 10-14-3-33.5, neither the state nor a political subdivision may prohibit or restrict the lawful possession, transfer, sale, transportation, storage, display or use of firearms or ammunition during a disaster emergency; however, firearms and ammunition dealers are encouraged to follow the requirements for retail businesses.

10. **Restaurants**

Restaurants, including country clubs, social clubs & wineries which provide in-person full dining service, are permitted to open, reopen or expand services one week following being designated into Stage 2.

- For counties advancing to Stage 2 as of May 4, 2020, restaurants are able to open to in-person dining on May 11, 2020.

- For counties advancing to Stage 2 as of May 11, 2020, restaurants are able to open to in- person dining on May 18, 2020.

- For counties advancing to Stage 2 as of May 18, 2020, restaurants are able to open to in- person dining on May 23, 2020.

All restaurants shall be subject to the requirements in ¶ 4 as well as the following:

a. **Capacity Limits**: In-person or on-premises dining is limited to no more than 50% of seating capacity with reservations being required when practicable to better achieve social distancing requirements.

b. **Bar Areas:** Bar areas shall remain closed.

c. **Social Distancing and Other Sanitation Mitigation Measures**:

i) Tables or available booths should be spaced at least 6 feet apart and parties should be 6 persons or fewer;

ii) Self-service stations (salad bars, beverage stations, etc.) are not permitted;

iii) All employees and staff shall be screened for COVID-19 symptoms before being allowed to work; and

iv) All employees and staff shall wear face coverings.

d. **Live Music**: Live music is not permitted.

e. **Bars & Taverns:** Bars and taverns shall remain closed.

f. **Food Delivery**: Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Executive Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site due to the virus's propensity to physically impact surfaces and personal property.

11. **Professional Services and Other Office-based Businesses**

Professional services, such as legal services, accounting services, insurance services, and real estate services (including appraisal and title services) should be conducted virtually or by telephone whenever reasonably possible. If a real estate showing is necessary, a screening for symptoms is encouraged. Additionally, wearing face coverings while attending the showing is strongly recommended.

Owners and managers of professional services and other office-based businesses needing on-site work should return staff in phases, ensure social distancing and other mitigation measures are employed and open or reopen and operate subject to the requirements in ¶ 4.

12. **Financial and Insurance Institutions**

Banks, currency exchanges, consumer lenders, including credit unions, pawnbrokers, consumer installment lenders and sales finance lenders, title companies, appraisers, financial markets, trading and futures exchanges, payday lenders, affiliates of financial institutions, entities that issue bonds, related financial institutions, and institutions selling financial products, insurance companies, underwriters, agents, brokers, and related insurance claims and agency services may continue to be open and operate subject to the requirements in ¶ 4.

13. **Personal Services**

Personal service businesses include spas, salons, barber shops, tattoo parlors, massage salons and similar facilities.

a. In Stage 1, personal service businesses are to remain closed.

b. Personal service businesses may open and operate one week following being designated into Stage 2.

- For counties advancing to Stage 2 as of May 4, 2020, personal service businesses are able to open on May 11, 2020.
- For counties advancing to Stage 2 as of May 11, 2020, personal service businesses are able to open on May 18, 2020.
- For counties advancing to Stage 2 as of May 18, 2020, personal service businesses are able to open on May 23, 2020.

Personal service business shall be subject to the requirements in ¶ 4 as well as the following:

i) Workstations shall be restricted or spaced to achieve social distancing;

ii) Workstations must be cleaned after each customer or client;

iii) Services shall be provided by appointment only; and

iv) Employees, and customers or clients to the extent practicable, must wear face coverings.

14. **Religious Entities and Places of Worship**

a. **Virtual Services Preferred:** Places of worship and faith communities are encouraged to continue livestream services or otherwise provide virtual services to safely serve their communities, or alternatively, conduct drive-in services.

b. **In either Stage 1 or 2:** On or after May 8, 2020, religious services, including wedding ceremonies and funeral services, may continue and will no longer be subject to limits on social gatherings. However, social distancing and other sanitation measures outlined in ¶ 6 will continue to apply. Wedding receptions and visitations before or after funerals remain subject to the limitations and restrictions for social gatherings (¶ 15).

15. **Social Gatherings**

All public and private gatherings (outside a single household or living unit or religious service), whether familial, social, governmental, philanthropic or otherwise, are prohibited unless:

a. In Stage 1, any gathering is limited to ten (10) or fewer people who must also engage in social distancing and other sanitation measures.

b. In Stage 2, any gathering is limited to twenty-five (25) or fewer people who must also engage in social distancing and other sanitation measures.

16. **Educational Institutions**

Educational institutions (including public and private pre-K-12 schools, colleges, and universities) may be open for purposes of facilitating distance learning, performing critical research, or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible.

Educational institutions that were previously closed and are reopening for these purposes must perform enhanced environmental cleaning of commonly touched surfaces, such as workstations, countertops, railings, door handles, and doorknobs. Use the cleaning agents that are usually used in these areas and follow the directions on the label. Provide disposable wipes so commonly used surfaces can be wiped down by employees before each use.

All buildings, facilities, and grounds for K-12 educational institutions, public or private, will remain closed through June 30, 2020, except for purposes previously allowed in Executive Orders pertaining to this public health emergency.

The Indiana Department of Education, in consultation with the Indiana Department of Health, shall develop guidance for graduation ceremonies, including virtual graduation, drive-in ceremonies, and in-person ceremonies with the number of participants limited to the number allowed in this Executive Order and provided social distancing requirements are met.

17. **Human Services Operations**

Human Services Operations may continue to be open and operate subject to the requirements in ¶ 4. Human Services Operations includes the following: long-term care facilities; day care centers, day care homes or group day care homes for children; residential settings and shelters for children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, child care, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

18. **Social Services and Charitable Organizations**

Businesses and religious and secular non-profit organizations, including food banks, when providing food, shelter, social services and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities may continue to be open and operate subject to the requirements in ¶ 4.

19. **Laundry Services**

Laundromats, dry cleaners, industrial laundry services, and laundry service providers may continue to be open and operate subject to the requirements in ¶ 4.

20. **Hotels and Motels**

Hotels and motels to the extent they are used for lodging and delivery or carryout food services may open or reopen and operate subject to the requirements in ¶ 4.

21. **Places of Public Amusement**

All places of public amusement, whether indoors or outdoors, including locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, festivals, parades, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, sport and entertainment venues, movie and other theaters, concert and music halls shall remain closed.

22. **Outdoor Activities**

a. **State Parks:** In Stages 1 & 2, State Parks remain open to the general public; however, welcome centers, inns, and other buildings are closed. Individuals will be able to take a walk, run or bike ride, but should continue to practice social distancing by remaining six feet away from other people. Playgrounds remain closed because they pose a high risk of spreading the virus.

b. **Campgrounds**: In Stages 1 & 2, campgrounds throughout Indiana will remain closed and no overnight stays are permitted except:

   i) For persons residing in recreational vehicles (RVs) or cabins at campgrounds who genuinely have no other viable place of residence may remain at the campground; and

   ii) For persons who own recreational vehicles (RVs), cabins or other similar structures currently located at campgrounds.

c. **Boating**: Boating is permitted subject to compliance with CDC's guidelines on social gathering and social distancing.

d. **Other Outdoor Activities:** Provided they comply with social distancing requirements, individuals are permitted to engage in outdoor activities, such as golf, walking, hiking, running or biking. Individuals may go to public parks and open outdoor recreation areas. However, community swimming pools, both public and private, shall remain closed.

23. **Gyms, Exercise and Fitness Centers**

Exercise, workout, gyms and other fitness centers shall remain closed in Stages 1 & 2.

24. **Healthcare and Public Health Operations**

Healthcare and Public Health Operations may continue to be open and operate. Healthcare and Public Health Operations includes the following: hospitals; clinics; dental offices; pharmacies; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; obstetricians and gynecologists; eye care centers, including those that sell glasses and contact lenses; home healthcare services providers; mental health and substance use providers; other healthcare facilities and suppliers and providers of any related and/or ancillary healthcare services; entities that transport and dispose of medical materials and remains; and veterinary care and all healthcare services provided to animals.

Also included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.

Further, the phrase "Healthcare and Public Health Operations" shall be construed broadly in order to avoid any impacts to the delivery of healthcare.

In addition, during all stages, as long as sufficient personal protective equipment (PPE), staff and other supplies are available so as not to detract from what is necessary and appropriate to properly care for and treat patients who have or may have COVID-19, hospitals should conduct clinically indicated procedures meant to diagnose, screen and treat medical conditions that have the potential for short-term or long-term morbidity and/or mortality. These include, but are not limited to, cardiac, vascular, neurologic, cancer, gastrointestinal and respiratory procedures, as well as those procedures meant to reduce significant pain or symptoms making quality of life unacceptable.

Furthermore, in connection with health care providers, whether medical, dental or other, and health care facilities, whether hospitals, ambulatory surgical centers, dental facilities, plastic surgery centers, dermatology offices, abortion clinics, or veterinary practices, any current restrictions involving their medical procedures imposed by an Executive Order will be re-evaluated every seven (7) days for possible modifications, as warranted by the circumstances, commencing on Sunday, April 26, 2020. These restrictions on medical procedures remain in place unless modifications are announced.

25. **Food, Beverage, and Agriculture (Businesses Other than Retail Stores)**

Food and beverage manufacturing, production, processing, cultivation, including farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities may continue to be open and operate subject to the requirements in ¶ 4.

26. **Trades**

Building, construction, and other trades, including plumbers, electricians, exterminators, operating engineers, cleaning and janitorial staff for commercial and governmental properties, security staff, HVAC, painting, moving and relocation services, and other service providers may continue to be open and operate subject to the requirements in ¶ 4.

27. **Mail, Post, Shipping, Logistics, Delivery and Pick-Up Services**

Post offices and other businesses that provide shipping and delivery services, as well as businesses that ship or deliver groceries, food, goods, vehicles, alcoholic and non-alcoholic beverages, or services to end users or through commercial channels may continue to be open and operate subject to the requirements in ¶ 4.

28. **Transportation**

Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, marinas, docks, boat storage, and other private, public, and commercial transportation and logistics providers may continue to be open and operate subject to the requirements in ¶ 4.

29. **Manufacture, Distribution, and Supply Chain for Products and Industries Companies**

Manufacturing companies, distributors, and supply chain companies producing and supplying products and services in and for industries may open and operate subject to the requirements in ¶ 4.

30. **Labor Union Functions**

Labor union activities, including the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services, provided these checks should be done by telephone or remotely where possible. Staff should return in phases if possible, ensure social distancing and other mitigation measures are employed and such entities should open or reopen and operate subject to the requirements in ¶ 4.

31. **Infrastructure Businesses**

Infrastructure businesses may continue to be open and operate subject to the requirements in ¶ 4. Infrastructure businesses includes the following: food production, distribution, fulfillment centers, storage facilities, marinas, and sale; construction (including construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, school construction, essential business construction, and housing construction); building management and maintenance; airport operations; operation and maintenance of utilities, including, for example, water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications and web-based services).

32. **Media**

Newspapers, television, radio, and other media services may continue to be open and operate subject to the requirements in ¶ 4.

33. **Governmental Functions**

All first responders, law enforcement, emergency dispatchers, and management personnel, legislators, judges, court personnel, jurors and grand jurors, corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees remain exempt from this Executive Order.

Governmental Functions means all services provided by the State of Indiana or any municipality, township, county, political subdivision, board, commission or agency of government and needed to ensure the continuing operation of government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Governmental Functions.

One week following commencement of Stage 2, state executive branch agencies, departments and offices who have not previously been open to the public will begin to do so. State agency employees will begin returning from remote work locations in phases.

Public libraries may reopen when allowed by their own policies but subject to social distancing and sanitation measures being employed.

Local units of government or political subdivisions will continue to decide how and when to reopen and provide services.

This Executive Order does not apply to the United States government.

34. **Enforcement**

a. **Workplace Safety**

I direct the IOSHA to take all available administrative and enforcement actions against businesses or entities failing to comply with workplace safety conditions.

b. **Enforcement Response Team**

I direct the creation of an Enforcement Response Team who shall respond to and investigate all reports of violations of this Executive Order other than reports of unsafe workplace conditions which are under the jurisdiction of IOSHA.

The Enforcement Response Team shall be comprised of state law enforcement from agencies other than the Indiana State Police who are sworn to enforce any law of our State.

I direct all state agency heads who have law enforcement officers within their agencies and who are sworn to enforce any law of our State to make their officers available to assist in enforcing this Executive Order.

I designate the Chairman of the Indiana Alcohol & Tobacco Commission (ATC) to lead this enforcement effort.

I direct the Enforcement Response Team in conjunction with the ISDH and/or local boards of health to take all available administrative and enforcement actions against businesses or entities failing to comply with restrictions and other public health requirements for businesses as set forth in this Executive Order, including:

i) Issuing a verbal order to cease the unsafe practice so an owner has an opportunity to comply;

ii) If a business entity fails to comply with a verbal order, ISDH shall issue an order to cease the unsafe practice;

iii) If a business entity continues operation in an unsafe manner despite an order to cease and desist, the ISDH shall issue an order to close the business entity;

iv) If an order to close a business is issued, the business shall be reported to the Secretary of State and to any relevant licensing, permitting, or certifying board, commission or other entity for consideration of revocation proceedings; and

v) If an order to close a business is issued, the matter should be considered for referral to the local prosecuting attorney.

c. This Executive Order additionally may be enforced by State and local law enforcement to the extent set forth in Indiana law, including the Emergency Disaster Law.

i) Penalty: A knowing violation of an Executive Order issued pursuant to Indiana's Emergency Disaster Law is a class B misdemeanor, punishable up to 180 days incarceration and a fine of up to $1,000.

d. The in-person dining restrictions set forth in this Executive Order and Executive Order 20-22 shall be enforced pursuant to the process described in Executive Order 20-10.

35. **No Limitation on Authority**

Nothing in this Executive Order shall, in any way, alter or modify any existing legal authority allowing the State, any local health department, or any other proper entity from ordering: (a) any quarantine or isolation that may require an individual to remain inside a particular residential property or medical facility for a limited period of time, including the duration of this public health emergency; or (b) any closure of a specific location for a limited period of time, including the duration of this public health emergency.

36. **Local Declarations of Emergency**

a. Pursuant to the Emergency Disaster Law, no local ordinance, directive, or order of any county, political subdivision, or other local government entity pertaining to this public health emergency, may contradict or impose less restrictive requirements than those set forth in this Executive Order, or else that ordinance, directive, or order will be void and of no force or effect. However, unless prohibited by an Executive Order, local ordinances, directives, and orders may be more restrictive.

b. No local unit of government and/or political subdivision may restrict travel within their jurisdiction above a Travel Watch status.

37. **Savings Clause**

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 effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are hereby declared to be severable.

IT IS SO ORDERED.

IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 1st day of May, 2020.

Eric J. Holcomb
Governor of Indiana

ATTEST: Connie Lawson
Secretary of State