CHRISTOPHER T. SUNUNU
Governor

# STATE OF NEW HAMPSHIRE
## OFFICE OF THE GOVERNOR

**STATE OF NEW HAMPSHIRE**
**BY HIS EXCELLENCY**
**CHRISTOPHER T. SUNUNU, GOVERNOR**

**Executive Order 2020-10**

**Fourth Extension of State of Emergency Declared in Executive Order 2020-04**

**WHEREAS,** on Friday, March 13, 2020, the President of the United States declared a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

**WHEREAS,** on Friday, March 13, 2020, the Governor issued Executive Order 2020-04, an order declaring a state of emergency due to the Novel Coronavirus (COVID-19); and

**WHEREAS,** on Friday, March 13, 2020, the Governor activated the Emergency Operations Center at the Incident Planning and Operations Center in Concord to assist in the State's response to the COVID-19 outbreak; and

**WHEREAS,** on Friday, April 3, 2020, the Governor issued Executive Order 2020-05, an order extending the State of Emergency declared in Executive Order 2020-04 for an additional 21 days; and

**WHEREAS,** since March 13, 2020, during the State of Emergency, the Governor issued emergency orders that, among other things, (i) require public K-12 schools to transition to remote instruction and support, (ii) prohibit scheduled gatherings of 10 or more, (iii) require restaurants and bars to transition to take-out and delivery only, (iv) temporarily prohibit disconnection or discontinuance of certain services, including public utilities, in the event of non-payment, (v) temporarily prohibit evictions and foreclosures, (vi) dramatically expand access to State unemployment benefits for individuals impacted by COVID-19, (vii) close non-essential businesses and mandate that Granite Staters stay home with limited exceptions, (viii) expand access to Telehealth Services to protect the public and health care providers, and (ix) restrict hotels and other lodging providers to provision of lodging for vulnerable populations and essential workers; and

**WHEREAS,** on April 24, 2020, the Governor issued Executive Order 2020-08, an order extending the State of Emergency declared in Executive Order 2020-04 for an additional 21 days; and

**WHEREAS,** on May 1, 2020, the Governor issued Emergency Order #40, an order extending and modifying Emergency Order #17 (Closure of non-essential businesses and requiring Granite

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Staters to stay home), which contained the Stay At Home 2.0 plan that had been unanimously approved by the Governor's Economic Re-Opening Task Force and approved by the Division of Public Health; and

**WHEREAS**, since April 24, 2020, during the State of Emergency, the Governor issued additional emergency orders that, among other things, (i) temporarily authorized health partners to assist in responding to COVID-19 in long-term care facilities (ii) ensured worker's compensation coverage for New Hampshire first responders exposed to COVID-19, (iii) authorized additional Medicaid eligibility for the uninsured, and (iv)authorizing flexibility to school boards and school districts in order to remain operational; and

**WHEREAS,** on May 15, 2020, the Governor issued Executive Order 2020-09, an order extending the State of Emergency declared in Executive Order 2020-04 for an additional 21 days; and

**WHEREAS,** since May 15, 2020, and as of June 5, 2020, during the State of Emergency, the Governor issued emergency orders that, among other things, (i) further expand access to medical providers by authorizing the reactivation of medical provider licenses, (ii) expand access to COVID-19 testing via licensed pharmacists, and (iii) ensure school districts adopt special education requirements to support remote instruction; and

**WHEREAS,** since May 15, 2020, and as of June 5, 2020, during the State of Emergency, the Governor has continued to provide guidance, under Emergency Order 40, that modifies many of the restrictions on businesses, places of worship, and other places of commerce or gathering to allow them to transition to full re-opening while limiting the risk of multiplying the spread of COVID-19 in New Hampshire. The Governor anticipates continuing to ease restrictions as the status of COVID-19 in New Hampshire, the emerging science and medical understanding of COVID-19, and other data and information about COVID-19 permit; and

**WHEREAS,** as of June 4, 2020, the Centers for Disease Control and Prevention (CDC) reports that every U.S. state has reported cases of COVID-19 to the CDC, and that 1,842,101 confirmed cases of COVID-19 have occurred in the United States and territorial partners with 107,029 deaths; and

**WHEREAS,** the CDC anticipates that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or have underlying chronic health conditions; and

**WHEREAS,** the CDC reports that COVID-19 is most commonly spread from an infected person to others through respiratory droplets, including:

- Between people who are in close contact with one another (within about 6 feet);
- Through respiratory droplets produced when an infected person coughs, sneezes, or talks;
- When the droplets land in the mouths or noses of people who are nearby or possibly inhaled into the lungs;
- By people who are not showing symptoms but who are infected with COVID-19.

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**WHEREAS,** the CDC reports that COVID-19 is spread mainly from person to person, that COVID-19 is currently spreading very easily and sustainably, that COVID-19 is spreading more efficiently than influenza, and that the best way to prevent illness is to avoid being exposed to COVID-19 by taking the following steps:

- Maintain good social distance (about 6 feet);
- Wash your hands often with soap and water, and if soap and water are not available, use a hand sanitizer that contains at least 60% alcohol;
- Routinely clean and disinfect frequently touched surfaces; and
- Cover your mouth and nose with a cloth face covering when around others.

**WHEREAS,** in the days since the Governor declared a State of Emergency, the COVID-19 outbreak in New Hampshire has expanded significantly; and

**WHEREAS,** as of Friday, June 5, 2020, the Department of Health and Human Services, Division of Public Health reports 4,795 cases of COVID-19; 265 deaths; 95 hospitalizations; approximately 4,050 individuals being monitored; and all 10 counties in the State have been impacted; and

**WHEREAS,** since the beginning of the COVID-19 pandemic, New Hampshire has substantially increased its testing ability to the point where more than 1,500 people per day are now tested. This increased testing capability provides a more accurate count of the number of individuals who are COVID-19 positive; and

**WHEREAS,** on Tuesday, June 2, 2020, New Hampshire experienced the highest single day tally of deaths related to COVID-19 since May 19, 2020 and the third highest single day tally of deaths related to COVID-19 since the beginning of the State of Emergency on March 13, 2020; and

**WHEREAS,** in the previous 21 days, the State has seen some of the highest single day tallies of new positive COVID-19 cases, including counts of more than 100 positive tests per day, since the beginning of the State of Emergency on March 13, 2020; and

**WHEREAS,** as of Wednesday, June 3, 2020, the CDC reported that New Hampshire has the 25th highest rate of COVID-19 per 100,000 people among the 50 states; and

**WHEREAS,** as of Friday, June 5, 2020, positive cases of COVID-19 have continued to increase each day, and since the first positive case of COVID-19 in New Hampshire was reported, there has been no decrease in reports of new positive COVID-19 cases for longer than five days; and

**WHEREAS,** as of Wednesday, June 3, 2020, states neighboring New Hampshire have reported significant numbers of COVID-19 cases: Massachusetts has reported 101,163 positive cases and 7,085 deaths, Rhode Island has reported 15,219 positive cases and 742 deaths, and Connecticut has reported 42,979 positive cases and 3,972 deaths; and

**WHEREAS,** as of Friday, June 5, 2020, the New Hampshire counties experiencing the highest number of COVID-19 cases are those that border Massachusetts; and

**WHEREAS,** the Department of Health and Human Services, Division of Public Health has found that community-based transmission of COVID-19 continues to increase in the State and has been identified in all 10 counties; and

**WHEREAS,** if COVID-19 continues to spread in New Hampshire at a rate comparable to the rate of spread in other states and countries, the number of persons requiring medical care may exceed locally available resources. Controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of New Hampshire, and limits the spread of infection in our communities and within the healthcare delivery system; and

**WHEREAS,** the CDC reports that while a cloth face covering protects others in case the wearer is infected, a cloth face covering is not a substitute for social distancing; and

**WHEREAS,** the CDC reports that community mitigation, including social distancing, is especially important before a vaccine for COVID-19 becomes available; and

**WHEREAS,** Dr. Anthony Fauci, an immunologist and director of the National Institute of Allergy and Infectious Diseases, testified before the U.S. Senate, on May 12, 2020, that cities or states that do not experience a 14-day decrease in new COVID-19 cases may experience spikes in infections after re-opening that tum into new outbreaks; and

**WHEREAS,** Dr. Fauci testified that states or cities that do not open in a phased manner may trigger further or new outbreaks of COVID-19, risk avoidable suffering and death, and tum the clock back on mitigation and economic-recovery efforts; and

**WHEREAS**, Dr. Fauci testified that decreasing community mitigation efforts will result in additional COVID-19 cases thereby requiring increased capabilities to respond to inevitable increases in COVID-19 cases; and

**WHEREAS,** Dr. Fauci testified that the best protection for the general public is to maintain physical and social distancing; and

**WHEREAS,** New Hampshire State Epidemiologist Dr. Benjamin Chan has determined that, while the State's mitigation strategy has been effective in controlling the spread of COVID-19, community mitigation has been and continues to be critically important; and

**WHEREAS,** Dr. Chan advises that relaxing community mitigation efforts risks additional COVID-19 outbreaks; and

**WHEREAS,** guidance from the United States' and New Hampshire's leading public health experts, evidence of New Hampshire's effective mitigation efforts, and known features of the COVID-19 pandemic, such as its significant community transmission rate, require continued mitigation efforts within the State to ensure the safety of New Hampshire's citizens; and

**WHEREAS,** the COVID-19 pandemic continues to affect New Hampshire residents and to require continued preventative measures, with necessary and appropriate modification as more becomes known about the virus, for the purpose of stopping the spread of COVID-19 and maintaining the progress our State has made in fighting the pandemic; and

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**WHEREAS,** the COVID-19 pandemic has necessitated dramatic and unprecedented preventative measures within state and federal governments in the United States, as well as within communities, homes, offices, and individual lifestyles; and

**WHEREAS,** on May 29, 2020, the U.S. Supreme Court observed that "[t]he precise question of when restrictions on particular social activities should be lifted during the [COVID-19] pandemic is a dynamic and fact-intensive matter subject to reasonable disagreement," and stated that "[o]ur Constitution principally entrusts the safety and health of the people to the politically accountable officials of the States to guard and protect," *South Bay United Pentecostal Church, et al., Applicants* v. *Gavin Newsom, Governor of California, et al.*, No. 19A1044, 590 U.S. __ (2020), at 3 (Roberts, C.J., concurring); and

**WHEREAS,** the Governor believes that it is in the interest of the health and safety of Granite Staters to extend the State of Emergency so as to continue to prevent the spread and infection of COVID-19 to New Hampshire's citizens; and

**WHEREAS,** state and local health and emergency response organizations must continue to use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

**WHEREAS,** though there is a continued need to take significant precautions, New Hampshire's actions to date appear to have succeeded in stabilizing the rate of increase in cases of COVID-19; and

**WHEREAS,** it is imperative to continue to prepare for and respond to suspected or confirmed COVID-19 cases in New Hampshire, implement measures to mitigate the spread of COVID-19, and prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

**WHEREAS**, on April 21, 2020, the Governor initiated the Governor's Economic Re-Opening Task Force, a task force composed of bipartisan legislators, private-sector leaders, and state officials, with the goal of developing a plan and overseeing state and private-sector actions needed to re-open New Hampshire's economy while minimizing the adverse impact on public health; and

**WHEREAS,** the Governor's Economic Re-Opening Task Force has met with stakeholders across the state in more than a dozen industries to examine the economic impact of the COVID-19 pandemic and the standing public health and Emergency Orders, and to understand the logistical, economic, and societal factors in re-opening New Hampshire's economy; and

**WHEREAS,** the Governor's Economic Re-Opening Task Force has received and reviewed more than 6,250 public comments; and

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**WHEREAS,** the Governor's Economic Re-Opening Task Force has developed detailed guidelines that received input from industry leaders and community members to ensure reasonable and workable steps are implemented in a phased re-opening of the state; and

**WHEREAS,** New Hampshire's sacrifices and actions, thus far have, enabled the State to continue to take steps to gradually re-open New Hampshire's economy in multiple phases; and

**WHEREAS,** the outbreak of COVID-19 has confronted the State with an unprecedented public health emergency and with financial and economic devastation resulting therefrom, which require the State to respond rapidly to ensure that necessary supplies, economic infrastructure, and other appropriate emergency responses are provided immediately.

**NOW, THEREFORE, I, Christopher T. Sununu,** Governor of the State of New Hampshire, by the authority vested in me pursuant to part II, article 41 of the New Hampshire Constitution and New Hampshire RSA 4:45, I do hereby renew the Declaration of a State of Emergency due to Novel Coronavirus (COVID-19) and extend the State of Emergency declared in Executive Order 2020-04 for a period of 21 days.

**IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT:**

1. All provisions of Executive Order 2020-04, as extended by Executive Orders 2020-05, 2020-08, and 2020-09, and all Emergency Orders issued pursuant thereto, shall remain in full force and effect through the expiration date of this Executive Order 2020-10.

2. All executive branch actions taken pursuant to Executive Order 2020-04, as extended by Executive Orders 2020-05, 2020-08, and 2020-09, and the associated Emergency Orders shall remain in full force and effect through the expiration date of this Executive Order 2020-10.

3. In the interest of public transparency and recordkeeping, all additional Emergency Orders, temporary orders, directives, rules, and regulations made for the purpose of responding to the State of Emergency hereby extended shall be issued pursuant to Executive Order 2020-04, as extended by Executive Orders 2020-05, 2020-08, 2020-09, and 2020-10, and be reflected as such in writing on the Governor's Office website.

Given under my hand and seal at the Executive Chambers in Concord, this 5th day of June, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.

Christopher T. Sununu

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