STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 20-28

FOR: **BACK ON TRACK: REOPENING INDIANA IN STAGE THREE**

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, as of the date of this Executive Order, the virus has now spread to every county in our State, with over 29,000 confirmed cases and over 1,700 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, in addition to the authority granted to me by the Indiana General Assembly, the Indiana State Department of Health (ISDH) has been granted 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, to reduce and slow the spread of COVID-19, the Centers for Disease Control and Prevention (CDC) and the 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 or modified by Executive Orders 20-18, 20-22 & 20-26;

- 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 directive has been extended or modified by Executive Orders 20-18, 20-22 & 20-26; and

- I issued Executive Orders 20-04, 20-10, 20-11, 20-14, 20-18, & 20-22 which, among other things, initially 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, following the stay-at-home order, we began to plan to reopen our Hoosier economy while prioritizing Hoosiers' health by continuing to work with experts utilizing 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 mitigation of COVID-19 and to lower the risk of a resurgence, a measured and staggered approach to reopening businesses and entities has been instituted. Five stages have been outlined with each ensuing stage being subject to fewer restrictions and limitations than the previous stage;

WHEREAS, Stage 1 began with the stay-at-home directive issued on March 23, 2020, and continued until May 4, 2020 when Stage 2 began

WHEREAS, 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;

WHEREAS, for a county to advance to the next stage or be required to stay at a current stage or return to a prior stage, the following factors will be considered: 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;

WHEREAS, since May 4, 2020, the number of hospitalized COVID-19 patients has decreased; our capacity for critical care beds and ventilators is stable; our testing for COVID-19 is increasing; and our ability to contact trace is available in all 92 counties; and

WHEREAS, based on all of the above, Indiana may cautiously move into Stage 3 to further reopen our Hoosier economy while continuing to take measures to protect Hoosiers from the spread of this dangerous virus.

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**

This Executive Order shall become effective at 12:00 a.m. on Friday, May 22, 2020, and continues until 11:59 p.m. on June 13, 2020, unless I rescind, modify or extend it.

All counties designated at, or transitioning into, Stage 3 shall follow the directives in this Executive Order. Executive Order 20-26 is extended and remains in full force and effect for any county remaining at Stage 2.

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 June 13, 2020, unless I further rescind, modify or extend them.

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

Hoosier counties are designated into the following stages, unless I further rescind, modify or extend this directive:

a. On May 22, 2020, at 12:00 a.m. through June 13, 2020, at 11:59 p.m., all Indiana counties except Cass, Lake & Marion, will be permitted to transition into Stage 3 and at such time, must adhere to the directives in this Executive Order.

b. Cass, Lake & Marion counties will remain in Stage 2 until 12:00 a.m. on Monday, June 1, 2020, when each of these counties will be permitted to advance to Stage 3. Once transitioned into Stage 3, each county must adhere to the directives in this Executive Order through June 13, 2020, at 11:59 p.m.

c. Unless otherwise specified, nothing in this Executive Order prohibits a county or political subdivision from imposing more stringent requirements than this Executive Order requires as set forth in ¶¶ 22 & 23.

3. **Requirements for All Hoosiers**

a. **Rescinding Extensions for Financial Obligations**: The following provisions are extended until 11:59 p.m. on June 30, 2020, after which time they shall expire:

i) *Motor Vehicle Transactions*: The extension of deadlines to acquire or renew drivers licenses, identification cards, vehicle registrations, title transactions, salvage titles, and off-road or snowmobile titles by suspension of the imposition of administrative penalty fees as provided for in Executive Order 20-05 and extended by other Executive Orders.

ii) *Prohibition on Discontinuing Utility Services*: The prohibition on discontinuing utility services as provided for in Executive Order 20-05 and extended by other Executive Orders. Utility companies and municipalities are encouraged to continue service and work with customers to establish reasonable payment plans for past due accounts.

iii) *Prohibition on Filing Evictions and Foreclosures*: Except as specified in subsection 3.b. below pertaining to emergency evictions or foreclosures, the prohibition on filing eviction and foreclosure actions or proceedings involving residential real estate or property, whether rental or otherwise as provided for in Executive Order 20-06 and extended by other Executive Orders. Landlords and lending institutions are encouraged to work with tenants and property owners to establish reasonable payment plans for past due rent or mortgage payments.

b. **Emergency Evictions or Foreclosures:**

i) *Emergency Evictions*: Notwithstanding the prohibition on filing evictions and foreclosures, a landlord is no longer prohibited from instituting an emergency eviction or possessory claim under the limited circumstances set forth in Indiana Code ch. 32-31-6 which permits evictions where there is specific immediate and serious injury, loss or damage to the property, however, evictions for nonpayment of rent are not permitted until on or after July 1, 2020.

ii) *Emergency Foreclosures*: Notwithstanding the prohibition on filing evictions and foreclosures and unless prohibited by federal law, a lending institution is no longer prohibited from instituting a foreclosure action where the property is vacant or abandoned or where there is a specific immediate and serious injury, loss or damage to the property, however, foreclosures for nonpayment of mortgages are not permitted until on or after July 1, 2020.

c. **Staying at Home or Place of Residence:** In Stages 2 and 3, all individuals are encouraged to 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 should, as much as reasonably practicable, 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.

d. **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.

e. **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.

f. **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).

g. **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.

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

i. **Travel**: In Stages 2 and 3, 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.

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

4. <u>General Provisions Governing the Reopening of Indiana Businesses and Entities</u>

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.

5. <u>Requirements for All Businesses and Entities in Indiana</u>

a. **Scope**: Subject to the requirements, restrictions, and prohibitions specified in this Executive Order, the following businesses are allowed to be open and operate: retail, restaurants, professional services, personal services, cultural and entertainment, public amusement, gyms, exercise and fitness centers, sports and athletic activities, outdoor activities, child care, day camps, adult care, education, health care providers and

operations, financial and insurance, social services, charitable and religious, laundry, hotels and motels, manufacturing and production, trades, shipping and delivery, transportation, industrial, labor infrastructure, media, and governmental.

b. **Safeguards:** All businesses continuing operations or being allowed to reopen are required to develop a plan to implement measures and institute safeguards to ensure a safe environment for their employees, customers, clients, and members. Plans are required for all open businesses. The plan must 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; and

   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.

c. **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.

6. <u>Guidance for all Businesses/Employers</u>

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

a. Allow as many employees as reasonably practicable 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 and symptoms for the requisite time periods recommended by the CDC as set forth here: https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html. 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).

7. **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. Frequent cleaning and disinfecting of work areas, and even more frequent cleaning of high-touch areas.

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.

8. **Retail Businesses**

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

If a county remains in Stage 2, all retail businesses within the county must adhere to the directives in Executive Order 20-26.

Once a county is permitted to advance to Stage 3, 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 75% of occupational capacity;

ii) Retail businesses are encouraged to limit their hours of operation and consider implementing separate operating hours for the elderly and other vulnerable customers;

iii) It is recommended employees and customers wear face coverings while in retail businesses;

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 50% 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 and Other Retail Food Establishments**

a. **Restaurants:** Restaurants, including country clubs, social clubs & wineries which provide in-person full dining service, shall be subject to the requirements in ¶ 5, and are permitted to open, reopen or expand services as follows:

i) *Capacity Limits:* In-person or on-premises dining is limited to no more than 50% of seating capacity in any segregated or separate dining area of the facility to ensure social distancing requirements are met and with reservations being required when practicable.

ii) *Social Distancing and Other Sanitation Mitigation Measures:*

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

2) Self-service food stations (buffets, salad bars, etc.) are not permitted and self-service beverage stations are permitted provided cups, lids and straws are supplied by waitstaff, patrons may not use or fill their own cup, mug or glass and refills are not permitted;

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

4) All employees and staff shall wear face coverings.

iii) *Bar Areas:* Bar areas shall be closed.

iv) *Live Music:* Live music or live entertainment is not permitted.

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

c. **Other Retail Food Establishments:** Retail food establishments other than restaurants, such as convenience stores, gas stations and grocery stores which provide self-service beverages stations must provide cups, lids and straws to customers by an employee, prohibit the use of a customer's own cup, mug or glass and prohibit refills. Any self-service food station offering food items not prepackaged, such as a salad bar, olive bar, bulk items, or hot dog roller/grill, must be accessed by a customer using a disposable tissue or other single-use serving item in these establishments. This does not apply to general produce sections or stands.

d. **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. **Personal Services**

Personal service businesses, including spas, salons, barber shops, tattoo parlors, massage salons and similar facilities, are subject to the requirements in ¶ 5 as well as the following:

a. Workstations shall be restricted or spaced to achieve social distancing;

b. Workstations must be cleaned after each customer or client;

c. Services shall be provided by appointment only; and

d. Employees must wear face coverings and customers or clients. to the extent practicable, should also wear face coverings.

12. **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 any Stage:** Religious services, including wedding ceremonies and funeral services, are not subject to limits on social gatherings set forth in ¶ 13. However, social distancing and other sanitation measures outlined in ¶ 7 will continue to apply. Wedding receptions and visitations before or after funerals remain subject to the limitations and restrictions for social gatherings as set forth in ¶ 13.

13. **Gatherings & Meetings**

a. **Single Site Venue:** All public and private meetings or gatherings (outside a single household or living unit or religious service), whether familial, social, governmental, philanthropic or otherwise, may have up to one hundred (100) people provided social distancing requirements can be accomplished and other sanitation measures are implemented at the site where the meeting or gathering occurs. A host venue is encouraged to ensure a health screening process for attendees is instituted.

b. **Multiple Site Venues:** For venues with multiple, clearly separate areas, such as separate banquet rooms or multiple sports fields, each separate area is permitted to have up to one hundred (100) people per gathering or meeting in each section or area, if the following can be accommodated:

i) Ensure separate gatherings or meeting attendees do not comingle;

ii) Within each segment/gathering, ensure 6 feet of social distancing between each table with no more than 6 individuals at any table, and for classroom, auditorium, bleacher or other style seating, ensure 6 feet of separation between individuals or household units;

iii) Ensure separate and designated restroom facilities for each site/gathering and designated facilities must be sufficient for the number of attendees in each section or segment;

iv) Provide hand sanitizer or other prevention supplies in each area; and

v) Message that attendance is prohibited if sick or recently exposed to COVID-19.

c. Multi-day meetings or gatherings are strongly discouraged.

14. **Places of Public Amusement and Entertainment Venues**

a. **Drive-in theaters:** Drive-in theaters are permitted to be open. Self-service food stations (including condiment areas) are not permitted, however, self-service beverage stations are permitted provided cups, lids and straws are supplied by employees, no refills are permitted, and patrons may not use or fill their own cup, mug or glass.

b. **Cinemas, Theaters & Stages:** Cinemas/movie theaters, concert stages, music halls and live theaters and similar venues shall remain closed.

c. **Mini-golf:** Mini-golf is permitted to open provided social distancing requirements are met and sanitation measures are implemented.

d. **Other:** All other 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, funplexes, theme parks and similar places of amusement shall remain closed.

15. **Gyms, Exercise & Fitness Centers**

a. **Fitness Centers:** Exercise & workout facilities or gyms, including yoga studios, dance studios, karate studios, martial arts studios and other similar fitness centers whether located in a standalone facility, a community center or other place of business may open subject to the following conditions:

i) Employees must wear face coverings and be screened before being allowed to work;

ii) The number of customers/clients in a facility at any given time shall be limited to no more than 50% of occupancy;

iii) Equipment shall be spaced or restricted to achieve social distancing requirements;

iv) Equipment or areas touched after each use or class shall be cleaned before reuse;

v) Class size shall be limited to no more than 50% of room occupancy provided social distancing requirements are also met;

vi) No contact sports or workouts permitted; and

vii) Saunas and steam rooms must be limited to one person or household unit at a time.

16. Recreational Sports for Adults and Youth

a. **Bowling Alleys and Skating Rinks**: Bowling alleys and skating rinks remain closed.

b. **Community Pools**: Community pools, public and private, may open provided they maintain proper operation, maintenance, and disinfection (with chlorine or bromine) of swimming pools disinfectant levels as recommended by CDC for COVID-19 and follow the CDC's Model Aquatic Health Code.

c. **Community Sport Facilities:** Community sport facilities, public or private, including golf courses, driving ranges, baseball fields, batting cages, soccer fields, tennis courts, basketball courts, and similar venues are permitted to open and be used for non-contact sports. Social distancing requirements and sanitation measures shall be observed to the greatest extent possible when open and in use. Use of community drinking fountains is not permitted.

d. **Community Recreational Sport Leagues:** Community recreational sport leagues or teams, public or private, may resume, subject to the following:

i) Non-contact sports such as baseball, softball, volleyball, tennis, golf, soccer, swim, and other similar sports, may conduct practices, drills and conditioning but may not compete with other teams in games, meets or tournaments;

ii) Contact sports, meaning sports where players typically come into contact with other players during play such as football, basketball, rugby or wrestling, are not permitted, however, conditioning and non-contact drills for such sports may take place; and

iii) The social gathering limits and requirements for players and spectators combined as set forth in ¶ 13 are followed.

17. Other Activities

a. **Walking, Hiking & Running:** Walking, hiking & running are permitted provided social distancing requirements are met.

b. **Playgrounds**: Playgrounds shall remain closed.

c. **State Parks:** State Parks remain open to the general public with inns opening and restaurants opening subject to the requirements in this directive.

d. **Campgrounds**: Campgrounds may open and overnight stays are permitted subject to social distancing requirements, sanitation measures and limits on the number of persons allowed at social gatherings set forth in ¶ 13. Restrooms must provide handwashing or sanitation stations for guests and employees. Other common facilities, such as shower facilities and drinking fountains must remain closed.

e. **Boating**: Boating is permitted subject to compliance with CDC's guidelines on social gathering limits set forth in ¶ 13 and social distancing and sanitation requirements in ¶7.

f. **Fishing**: Fishing, including charter fishing, is permitted subject to limits on gatherings set forth in ¶ 13 and social distancing requirements set forth in ¶ 7, however, fishing tournaments are not permitted.

g. **Auto and Bike Racing:** Racing, including auto, motorsport, motocross, motorcycle, bicycle, BMX, All-terrain vehicle or ATV, Kart and boat, shall be subject to the following:

   i) Competitors, teams and staff may attend by invitation only;

   ii) Spectators may not be present and grandstands must be closed;

   iii) Social distancing requirements and sanitation measures must be followed; and

   iv) Masks are recommended to be worn.

h. **Livestock Shows**: Indiana livestock shows, conferences, workshops, judging invitationals, competitions and other similar events are subject to limits on gatherings set forth in ¶ 13 and must ensure social distancing requirements are met and sanitation measures are employed.

i. **Horse Racing:** Horses currently located in Indiana are allowed to move onto the backside of racetracks at Indiana's racinos. On or after May 24, 2020, horses currently located outside of Indiana will be allowed to begin moving onto the backside of racetracks. Qualifying races are permitted, however, pari-mutuel racing is not permitted at the racinos. Spectators may not be present.

18. **Child Care and Day Camps**

a. **Childcare**: Childcare programs in Indiana have been permitted to be open. Childcare programs are cautioned to continue to take measures and institute safeguards to ensure a safe environment for their employees, children and families.

b. **Youth Day Camps**: Youth day camps may commence on June 1, 2020, subject to the following requirements:

   i) *Employees:* There must be an employee screening procedure which must have and implement a daily health assessment for all employees and prohibit any employee presenting with symptoms from working;

   ii) *Campers:* Establish and follow a screening procedure to determine whether a camper exhibits symptoms or has had contact with another who has had symptoms;

   iii) *Face Coverings:* It is recommended adults and campers over the age of two wear face coverings; and

   iv) *Adult to Child Ratio:* It is recommended to follow any applicable statute, rule or CDC guidance if no statute or rule applies on the ratio of adults to children.

c. **Overnight Camps:** Youth overnight camps are not permitted.

d. **Facilities:** School buildings and other school facilities have been permitted to be used, and continue to be permitted to be used, for the purpose of providing childcare which includes youth day camps.

19. **Adult Day Care Facilities**

Day care facilities for adults with developmental disabilities may reopen on June 1, 2020, for day services and must take measures and institute safeguards to ensure a safe environment for their clients and employees by complying with guidelines set by the Bureau of Developmental Disability Services.

20. **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 for education and school-sponsored activities through June 30, 2020, except for purposes allowed in this Executive Order and prior 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.

21. **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. **Health & Law Enforcement Officials**

i) *Administrative Action:* The ISDH, local boards of health, the Enforcement Team, and other state and local law enforcement officers may take all available and permissible 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. It is recommended that the following incremental steps be taken:

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

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

3) 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;

4) 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

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

ii) *Criminal Penalty:* 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 which provides 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.

iii) *Enforcement Team:* The Enforcement Team created in Executive Order 20-18 as extended in Executive Order 20-26 shall cease its specialized duties set forth in this and prior Executive Orders on June 13, 2020. The officers assigned to the Enforcement Team will return to their regularly assigned posts. As Indiana moves beyond Stage 3, restrictions will be further lessened and businesses will open more fully, and these officers will be needed to resume their regular duties as law enforcement officers assigned to excise, natural resource, racing and gaming matters.

22. **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.

23. **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.

24. **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.

SEAL OF THE STATE OF INDIANA 1816

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 21st day of May, 2020.

Eric J. Holcomb
Governor of Indiana

Connie Lawson

ATTEST: Connie Lawson
Secretary of State