

STATE OF INDIANA

EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER 20-08

FOR: DIRECTIVE FOR HOOSIERS TO STAY AT HOME

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 that a single Hoosier, living in one county, had contracted the virus;
- WHEREAS,** since then, 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 more than forty (40) counties throughout Indiana and caused several deaths, with these numbers expected to increase in the days ahead;
- WHEREAS,** on March 16, 2020, I issued Executive Order 20-04 which, among other things: (a) established that Indiana would adhere to the guidance of the Centers for Disease Control & Prevention (“CDC”) for large events and gatherings; (b) encouraged all Indiana residents to heed the advice of the CDC, the Indiana State Department of Health (“ISDH”), the Indiana Department of Homeland Security (“IDHS”), as well as other healthcare and emergency officials in connection with this public health emergency; and (c) proclaimed it to be the duty of every person in our State and every entity doing business in Indiana, including all governmental bodies, agencies, authorities and officials of any nature, to cooperate fully with the Commissioner of the ISDH and the Executive Director of IDHS on all matters concerning this public health emergency;
- WHEREAS,** despite significant steps being taken in our State, this virus remains a serious threat to the health, safety, and welfare of all residents of Indiana, and further efforts are needed to address, control, and reduce the evolving threat posed by COVID-19;
- WHEREAS,** as Governor, I have broad authority and powers under Indiana law to declare and respond to public health emergencies on behalf of our State, including, but not limited to: (a) making, amending, and rescinding the necessary orders, rules, and regulations to carry out Indiana’s Emergency Management & Disaster Law and its purposes, Ind. Code ch. 10-14-3 (the “Emergency Disaster Law”); (b) employing any measure and giving any direction to the ISDH and local boards of health as is reasonably necessary for securing compliance with the Emergency Disaster Law or with the findings or recommendations of the ISDH or local boards of health because of conditions arising from the actual or threatened emergency; and (c) controlling ingress to and egress from a disaster area (here, the entire State of Indiana), the movement of persons within said area, and the occupancy of premises in said area;
- WHEREAS,** the ISDH, which reports to me as the Governor, also has broad legal authority and powers in connection with public health emergencies (Ind. Code ch. 16-19-3), including, for example, the powers to do what is reasonable and necessary for the prevention and suppression of disease, to forbid public gatherings when necessary to prevent and stop epidemics, to bring actions in the courts for the enforcement of health laws, and all powers necessary to fulfill the duties prescribed by law; and
- WHEREAS,** in light of the above, and after consultation with and the concurrence of the ISDH and its Commissioner, it is necessary and proper to take further actions to protect the health, safety and welfare of all Hoosiers in connection with the continuing and evolving threat posed by COVID-19, as more particularly described herein;

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. Defined Terms and Phrases

In order to properly understand the full, complete and proper meaning of this Executive Order, please read and consult the definitions of the terms and phrases which are shown by underlining and found throughout this Executive Order, as follows:

- a. Essential Activities: Page 3
- b. Essential Businesses and Operations: Pages 5-8
- c. Essential Governmental Functions: Page 5
- d. Essential Infrastructure: Pages 4-5
- e. Essential Travel: Page 8
- f. Healthcare & Public Health Operations: Page 4
- g. Human Services Operations: Page 4
- h. Minimum Basic Operations: Page 8
- i. Social Distancing Requirements: Page 9

2. Duration

This Executive Order shall be effective at 11:59 p.m. on March 24, 2020, and remain in full force and effect until 11:59 p.m. on April 6, 2020, unless the I rescind, modifies, or extend this Executive Order.

3. Stay at Home or Place of Residence

With exceptions as outlined below, all individuals currently living in the State of Indiana are ordered to stay at home or their place of residence, except as allowed in this Executive Order.

To the extent that individuals are using shared or outdoor spaces when outside of their homes or residences, they must at all times, and 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, consistent with the Social Distancing Requirements set forth in this Executive Order. All persons may leave their homes or residences only for Essential Activities, Essential Governmental Functions, or to participate in Essential Businesses and Operations, all as defined below.

Individuals experiencing homelessness are exempt from this provision, but 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).

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

For purposes of this Executive Order, the terms “homes” and “residences” include hotels, motels, shared rental units, shelters, and similar facilities.

4. Non-Essential Business and Operations Must Cease

All businesses and operations in the State of Indiana, except for Essential Businesses and Operations (as defined below), are hereby required to cease all activities within the State, except, however, for Minimum Basic Operations (as defined below). For purposes of clarity, businesses (which includes home-based businesses) may also continue operations consisting exclusively of employees or contractors performing activities at their own homes or residences (i.e., working from home).

All Essential Businesses and Operations are hereby encouraged to remain open. Further, Essential Businesses and Operations shall comply with the Social Distancing Requirements defined in this Executive Order, including by maintaining six-foot social distancing for both employees and members of the general public at all times, including, but not limited to, when any customers are standing in line.

5. **Prohibited Activities**

All public and private gatherings of any number of people that occur outside of a single household or living unit, are hereby prohibited, except, however, for the limited purposes permitted by this Executive Order. Any gathering of more than ten (10) people is hereby prohibited, unless exempted by this Executive Order. This is in accordance with the President's coronavirus guidelines issued on March 16, 2020. Nothing in this Executive Order prohibits the gathering of members of a household or residence.

All places of public amusement, whether indoors or outdoors, including, but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, and country clubs or social clubs, shall be closed.

6. **Prohibited and Permitted Travel**

Only Essential Travel and Essential Activities (as defined herein) are permitted. People riding on public transit must comply with Social Distancing Requirements to the greatest extent feasible. This Executive Order allows travel into, or out of, the State of Indiana in order to maintain Essential Businesses and Operations and Minimum Basic Operations.

7. **Leaving the Home for Essential Activities is Permitted**

For purposes of this Executive Order, individuals may leave their homes or residences only to perform any of the following, which are deemed to be "Essential Activities" hereunder:

a. **For Health and Safety**

To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or persons who are unable or should not leave their home (including, but not limited to, pets), such as, by way of example and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional.

b. **For Necessary Supplies and Services**

To obtain necessary services or supplies for themselves and their family or household members or persons who are unable or should not leave their home, or to deliver those services or supplies to others, such as, by way of example and without limitation, groceries and food, household consumer products, supplies they need in order to work from home, automobile supplies (including dealers, parts, supplies, repair and maintenance), and products necessary to maintain the safety, sanitation, and/or essential operation of homes or residences.

c. **For Outdoor Activity**

To engage in outdoor activity, provided that they comply with the Social Distancing Requirements (as defined below), such as, by way of example and without limitation, walking, hiking, running, or biking. Individuals may go to public parks and open outdoor recreation areas. However, public access playgrounds may increase spread of COVID-19, and therefore shall be closed.

d. **For Certain Types of Work**

To perform work providing essential products and services at Essential Businesses or Operations (which, as defined below, includes Essential Governmental Functions, Healthcare and Public Health Operations, Human Services Operations, and Essential Infrastructure) or to otherwise carry out activities specifically permitted or allowed by this Executive Order, including Minimum Basic Operations.

e. **To Take Care of Others**

To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by this Executive Order.

8. Elderly People & Those Vulnerable as a Result of Illness Should Take Additional Precautions

People at high risk of severe illness from COVID-19, including elderly people and those who are sick, are urged to stay in their residence to the extent possible, except as necessary to seek medical care. Nothing in this Executive Order prevents the ISDH or local health departments from issuing and enforcing isolation and quarantine orders.

9. Healthcare and Public Health Operations

For purposes of this Executive Order, individuals may leave their residences to work for, or to obtain services through, Healthcare and Public Health Operations.

The phrase “Healthcare and Public Health Operations” includes, but is not limited to, 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.

Fitness and exercise gyms, spas, salons, barber shops, tattoo parlors, and similar facilities are not included in Healthcare and Public Health Operations.

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

10. Human Services Operations

For purposes of this Executive Order, individuals may leave their homes and residences to work for or obtain services at any Human Services Operations, including any provider funded by the ISDH, Indiana Family and Social Services Administration, Indiana Medicaid, Indiana Division of Mental Health and Addiction, Indiana Department of Child Services, Indiana Department of Veterans Affairs and other similar governmental entities, that are providing services to the general public and including state-operated, institutional, or community-based settings providing human services to the public.

The phrase “Human Services Operations” includes, but is not limited to, the following: long-term care facilities; day care centers, day care homes, group day care homes; residential settings and shelters for adults, seniors, 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.

Further, the phrase “Human Services Operations” shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

11. Essential Infrastructure

For purposes of this Executive Order, individuals may leave their homes and residences in order to provide any services or to perform any work necessary to offer, provision, operate, maintain, and repair Essential Infrastructure.

The phrase “Essential Infrastructure” includes, but is not limited to, the following: food production, distribution, fulfillment centers, storage facilities, marinas, and sale; construction (including, but not limited to, 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).

Further, the phrase “Essential Infrastructure” shall be construed broadly in order to avoid any impacts to essential infrastructure, broadly defined.

12. Essential Governmental Functions

For purposes of this Executive Order, 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 working for, or to support, Essential Businesses and Operations, are hereby categorically exempt from this Executive Order.

The phrase “Essential 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 Essential Governmental Functions. Each governmental body shall determine its Essential Governmental Functions and identify employees and/or contractors necessary to the performance of those functions.

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

13. Businesses Covered by this Order

For the purposes of this Executive Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function it performs, or its corporate or entity structure.

14. Essential Businesses and Operations

For the purposes of this Executive Order, the phrase “Essential Businesses and Operations” means Healthcare and Public Health Operations, Human Services Operations, Essential Governmental Functions, and Essential Infrastructure, as well as the following:

a. CISA List

On March 19, 2020, the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (“CISA”), issued a *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response*. The definition of Essential Businesses and Operations in this Executive Order includes all of the workers identified in that Memorandum, which may be found or accessed at the following link: <https://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-508c.pdf>.

b. Stores That Sell Groceries and Medicine

Grocery stores, pharmacies, certified farmer’s markets, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, prepared food, alcoholic and non-alcoholic beverages, any other household consumer products (such as cleaning and personal care products), and specifically includes their supply chain and administrative support operations. This includes stores that sell groceries, medicine (including medication not requiring a medical prescription), and also that sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences and Essential Businesses and Operations.