STATE OF INDIANA

ERIC J. HOLCOMB, Governor

PUBLIC ACCESS COUNSELOR
LUKE H. BRITT

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317)234-0906
Fax: (317)233-3091
Toll Free:1-800-228-6013
Email: pac@opac.in.gov
Website: www.IN.gov/pac

Updated guidance concerning the impact of the COVID-19 emergency on Indiana's public access laws.

Updated *3/23/2020*

In conjunction with the Governor's Executive Orders released today, we are updating previously issued guidance which supersedes prior guidance issued from this office.

Given the uncertainty of this situation, the best way to contact this office is by email. You may email me directly at lbritt@opac.in.gov, or my deputy Kristopher Cundiff, at krcundiff@opac.in.gov. Phones and the central email will be monitored only periodically.

- Public agencies should cancel or postpone nonessential meetings consistent with the Governor Holcomb's Executive Order. Cancellations of meetings do not require notice but notifications via web site or social media is advisable;
- During the public health emergency governing bodies may now avail themselves of technology to conduct public business. A quorum must be on the conference call but members can patch in remotely. In order to ensure public access, if a governing body has the capability allowing the media and public to call in to observe remotely, it must do so. Livestreaming and broadcasting is advisable as well on either a municipal or county website or social media page;
- If there are items or authority that can statutorily be delegated to a presiding officer, a governing body should ratify those actions when normal meetings resume. This includes, but is not limited to, operational or administrative functions and executive or ministerial duties;
- Members of the public are to submit public records requests remotely (e.g., email; standard mail), not in person;
- The acknowledgement period of public records requests is suspended for the duration of the public health emergency, however, agencies must still respond within a reasonable time.

- Note that the reasonable time requirement for public records production may be different during times of emergency than during normal business operations.

Most importantly, practice patience with one another and use common sense. As this office often moderates disputes between the public and their representative officials, we

STATE OF INDIANA

ERIC J. HOLCOMB, Governor

PUBLIC ACCESS COUNSELOR
LUKE H. BRITT

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317)234-0906
Fax: (317)233-3091
Toll Free:1-800-228-6013
Email: pac@opac.in.gov
Website: www.IN.gov/pac

know that times of heightened pressure often enflame tensions and anxiety. We encourage mindfulness and civility while working together through these unprecedented times.

As always, please do not hesitate to contact us with any questions.

Best regards,

Luke H. Britt
Public Access Counselor

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.

c. Food, Beverage, and Agriculture

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.

d. Organizations That Provide Charitable and Social Services

Businesses and religious and secular non-profit organizations, including food banks, when providing food, shelter, and 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.

e. Religious Entities

Religious facilities, entities and groups, and religious gatherings, provided they adhere to the CDC's guidance on social gatherings.

f. Media

Newspapers, television, radio, and other media services.

g. Gas Stations and Businesses Needed for Transportation

Gas stations and auto supply, auto-repair, farm equipment, construction equipment, boat repair, and related facilities, and bicycle shops and related facilities.

h. Financial and Insurance Institutions

Banks, currency exchanges, consumer lenders, including, but not limited to, 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. Also, insurance companies, underwriters, agents, brokers, and related insurance claims and agency services.

i. Hardware and Supply Stores

Hardware stores and businesses that sell electrical, plumbing, and heating material.

j. Critical Trades

Building, construction, and other trades, including, but not limited to, 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 who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses and Operations.

k. 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.

l. Educational Institutions

Educational institutions (including public and private pre-K-12 schools, colleges, and universities) 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.

This Executive Order is consistent with, and does not amend or supersede, any prior Executive Order regarding the closure of schools.

m. Laundry Services

Laundromats, dry cleaners, industrial laundry services, as well as laundry service providers.

n. Restaurants for Consumption Off-Premises

Restaurants, bars, taverns, and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carryout. The foregoing is addressed in Executive Orders 20-04 and 20-10. The in-person dining prohibition shall be enforced under and pursuant to the process described in Executive Order 20-10.

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. This Executive Order is consistent with, and does not amend or supersede, prior Executive Orders regarding the closure of restaurants.

o. Supplies to Work from Home

Businesses that sell, manufacture, or supply products needed for people to work from home.

p. Supplies for Essential Businesses and Operations

Businesses that sell, manufacture, and/or supply other Essential Businesses and Operations with the support or materials necessary to operate, including computers, audio and video electronics, household appliances; IT and telecommunication equipment; hardware, paint, flat glass; electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals, soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security.

q. 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 necessary for the Essential Activities and other purposes expressly authorized in this Executive Order.

r. Home-Based Care and Services

Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery.

s. Residential Facilities and Shelters

Residential facilities and shelters for adults, seniors, children, pets, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, or mental illness.

t. Professional Services

Professional services, such as legal services, accounting services, insurance services, and real estate services (including appraisal and title services).

u. Manufacture, Distribution, and Supply Chain for Critical Products and Industries

Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries, such as healthcare, pharmaceutical, technology, biotechnology, chemicals and sanitization, agriculture, waste pickup and disposal, food and beverage, transportation, energy, steel and steel products, petroleum, fuel, mining, construction, national defense, communications, and products used by other Essential Businesses and Operations.

v. Critical Labor Union Functions

Labor union essential activities, including the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in Essential Businesses and Operations, provided that these checks should be done by telephone or remotely where possible.

w. Hotels and Motels

Hotels and motels, to the extent they are used for lodging and delivery or carryout food services.

x. Funeral Services

Funeral, mortuary, cremation, burial, cemetery, and related services.

15. Minimum Basic Operations

For the purposes of this Executive Order, the term "Minimum Basic Operations" includes the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:

a. The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of its physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.

b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

16. Essential Travel

For the purposes of this Executive Order, the phrase "Essential Travel" includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements (as defined herein).

a. Any travel that is related to the provision of, or access to, Essential Activities, Essential Governmental Functions, Essential Businesses and Operations, or Minimum Basic Operations.

b. Travel to care for the elderly, minors, dependents, persons with disabilities, or other vulnerable persons.

c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.

d. Travel in order to return to a place of residence from outside the jurisdiction.

e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.

f. Travel required for non-residents to return to their place of residence outside of the State of Indiana. However, individuals are strongly encouraged to verify that their transportation out of Indiana remains available and functional prior to commencing such travel.

17. Social Distancing Requirements

For purposes of this Executive Order, the phrase "Social Distancing Requirements" shall include maintaining at least six-feet of social distancing from other individuals, 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. With respect to Essential Businesses and Operations as well as businesses engaged in Minimum Basic Operations, they must take proactive measures to ensure compliance with the Social Distancing 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 and customers in line 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.

18. Intent of this Executive Order

The intent of this Executive Order is to ensure that the maximum number of people self-isolate in their homes or residences to the maximum extent feasible, while also enabling essential services to continue, in order to slow the spread of COVID-19 to the greatest extent possible. When individuals need to leave their homes or residences, whether to perform Essential Activities or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times, and as much as reasonably possible, comply with the Social Distancing Requirements. All provisions of this Executive Order should be interpreted to effectuate this intent.

19. Enforcement

This Executive Order may be enforced by State and local law enforcement, as well as other governmental entities (such as state and local departments of health), to the extent set forth in Indiana law, including, but not limited to, the Emergency Disaster Law.

However, with respect to the in-person dining prohibition that was set forth in Executive Order 20-04, it shall be enforced pursuant to the process described in Executive Order 20-10.

20. COVID-19 Information and Checklist for All Businesses/Employers

All businesses and employers, whether or not they are deemed to be essential under this Executive Order, are hereby ordered to take the following actions:

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

b. 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. Do not require a healthcare provider's note to validate the illness or return to work of employees sick with acute respiratory illness; healthcare provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely way.

c. Ensure that your 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).

d. 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 (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 that 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).

21. 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.

22. 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 Order are hereby declared to be severable.

This Executive Order is a supplement to, and deemed to be part of, Executive Order 20-02.

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 23rd day of March, 2020.

Eric J. Holcomb
Governor of Indiana

ATTEST: Connie Lawson
Secretary of State

STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 20-09

FOR: **RELATING TO THE CONTINUITY OF OPERATIONS OF 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 in our State as result of the coronavirus disease 2019 ("COVID-19"), and, since that time, the virus has spread to more than twenty (20) counties in Indiana and caused several deaths, with these numbers expected to increase in the days ahead;

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 virus;

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, the COVID-19 disease has rapidly spread throughout the United States and Indiana, requiring more stringent measures to mitigate the spread of the disease;

WHEREAS, in light of the above, it is necessary and proper to take action(s) to protect the health and well-being of all Hoosiers in connection with the continuing and evolving threat posed to public health by COVID-19;

WHEREAS, as Governor, under Indiana's Emergency Management and Disaster Law, Ind. Code Ch. 10-14-3, I have authority to take necessary actions to prepare for, and respond to, the prompt and efficient rescue, care, and treatment of persons victimized or threatened by disasters, which include an epidemic, public health emergency and any other public calamity requiring emergency action;

WHEREAS, as Governor, I also 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 and Disaster Law, Ind. Code ch. 10-14-3, and (b) 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;

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:

1. For a period of two weeks, beginning at 5:00 p.m. today, March 23, 2020, and continuing until 8:00 a.m. on April 7, 2020, access to all state government buildings, offices and facilities by the public will be restricted to only 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 notwithstanding Ind. Code § 4-1-2-1 which provides for state offices to be open. This restriction extends to the Indiana Government Center, Indianapolis office locations and other offices throughout the state.

2. The executive head of each state agency (as defined by Ind. Code § 4-2-6-1(a)(2)) shall require all personnel, unless the employee's physical presence is required to perform an essential function, to work remotely via telework.

3. The expiration of any state agency-issued license, certification or permit which has expired during, or is set to expire during, this public health emergency shall be extended automatically to Friday, May 22, 2020. This suspension and extension of expiration dates applies to, among other things, occupational, professional and firearms licenses held by Hoosiers. State-issued identification cards, drivers licenses and vehicle registration renewals shall be extended by the process delineated in Executive Order 20-05. This extension does not suspend or change any other renewal requirement for any license, certification or permit.

   The Superintendent of State Police is directed to notify all law enforcement agencies within Indiana of the extension of expiration of State-issued identification cards drivers licenses, vehicle registration renewals and firearms licenses and must make reasonable efforts to notify law enforcement of this extension in other states.

   Law enforcement agencies within Indiana should suspend enforcement actions against individuals solely based on expired credentials, licenses, and registrations which occurred during this public health emergency.

4. As strict compliance with various deadlines found in regulatory statutes are preventing, hindering and delaying necessary action in coping with the emergency, the following actions are authorized:

   A. *Open Door Law*: Suspend the requirement of governing bodies of public agencies to explicitly adopt a policy for electronic participation and suspend the requirement to have any members be physically present for meetings deemed to be essential. (See Ind. Code § 5-14-1.5-3.6(c), (f), (g) & (h)). All other provisions of Ind. Code § 5-14-1.5 *et seq.* remain in effect. Therefore, for the duration of this public health emergency, all governing bodies may meet by videoconference or by telephone conferencing so long as a quorum of members participate and any meeting is made available to members of the public and media.

      Any political subdivision or entity subject to the provisions of Ind. Code § 5-14-1.5-3.5 may comply with the provisions of section 3.6 as modified by Executive Order 20-04 and as amended in this Order in conducting public meeting for the duration of this public health emergency.

   B. *Public Records*: For a period of two weeks, beginning at 5:00 p.m. today, March 23, 2020, and continuing until 8:00 a.m. on April 7, 2020, suspend the ability of a member of the public to request a public record in person or by telephone and any request during this period shall be submitted remotely via U.S. Mail, fax, or electronic mail.

      For public records requests submitted remotely via U.S. Mail, fax, or electronic mail between 5:00 p.m. today, March 23, 2020, and 8:00 a.m. on April 7, 2020, public agencies will acknowledge receipt of the public records request within a reasonable amount of time following this two week period. I suspend the requirement that requests are deemed denied if not acknowledged within seven days.

   C. *Public Access Counselor*: Suspend any mandatory deadline or requirement found in Ind. Code § 5-14-5-8, 9 & 10 regarding formal complaints for alleged public access violations for the duration of the public health emergency and those provisions shall be carried out by the public access counselor within a reasonable time.

   D. *Depository Rule*: Suspend Ind. Code § 5-13-6-1 which governs the procedure for the deposit of public funds; for state agencies and local governmental units, may reduce deposits to no less than twice weekly provided that on intervening days any funds are properly secured and subject to adequate internal controls.

   E. *Emergency Purchases*: Suspend Ind. Code § 4-13-2-20 which governs state purchases being paid in arrears if, conditioned on the approval of the Director of the Office of Management and Budget, a state agency needs to agree to

purchase equipment or services essential to respond to this public health emergency and further needs to agree to make payment before the receipt of the essential equipment or services.

F. *Law Enforcement Training*: Due to the closure of the Indiana Law Enforcement Academy and the volume of officers needing required training, for those officers who have completed the pre-basic course, I extend for an additional year, the ability of an officer to exercise powers before completion of basic training as provided in Ind. Code § 5-2-1-9(e).

This Executive Order is a supplement to, and deemed to be part of, Executive Orders 20-02 & 20-04. This Executive Order supersedes any prior Executive Order and should any term herein be inconsistent with the provisions in this Order.

IT IS SO ORDERED.

Connie Lawson

ATTEST: Connie Lawson
Secretary of State

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 23rd day of March, 2020.

Eric J. Holcomb
Governor of Indiana