THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

PROVIDING FLEXIBILITY FOR HEALTHCARE PRACTICES, MOVING CERTAIN BUSINESSES TO MINIMUM OPERATIONS, & PROVIDING FOR EMERGENCY RESPONSE

WHEREAS: On March 14, 2020, due to the impact of COVID-19 on the State of Georgia, I issued Executive Order No. 03.14.20.01, declaring a Public Health State of Emergency in Georgia; and

WHEREAS: The Georgia General Assembly concurred with Executive Order 03.14.20.01 by joint resolution on March 16, 2020; and

WHEREAS: On April 8, 2020, I renewed the Public Health State of Emergency until May 13, 2020 by issuing Executive Order 04.08.20.02; and

WHEREAS: Code Section 38-3-51(c)(4) vests the Governor with the power to perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS: Code Section 38-3-51(d)(1) vests the Governor with the power to suspend any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster; and

WHEREAS: Code Section 38-3-51(i) vests the Governor with the power to direct the Department of Public Health to collaborate with private organizations; and,

WHEREAS: Pursuant to OCGA 38-3-51(j), any individual, partnership, association, or corporation who acts in accordance with an order, rule, or regulation entered by the Governor pursuant to the authority granted by OCGA 38-3-51 will not be held liable to any other individual, partnership, association, or corporation by reason thereof in any action seeking legal or equitable relief.

WHEREAS: In consultation with the Governor's Coronavirus Task Force and health and emergency preparedness officials, I have determined that the following actions are necessary and appropriate to protect the strength of Georgia's economy and provide for the health, safety, and welfare of Georgia's residents and visitors.

NOW, THEREFORE, PURSUANT TO CODE SECTION 38-3-51, AND THE AUTHORITY VESTED IN ME AS THE GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: That all medical practices, dental practices, orthodontics practices, optometry practices, physical therapists, ambulatory surgical centers, physicians performing elective surgeries, healthcare institutions, medical facilities, and any and all other healthcare-related practices and services that have elected to cease operations because of the spread of COVID-19 should begin treating patients as soon as practicable in accordance with the Centers for Disease Control and Prevention guidelines, Centers for Medicare and Medicaid Services guidelines, and the provisions of this Order to prevent the spread of COVID-19. All such healthcare-related practices and services shall not be subject to Minimum Basic Operations restrictions but should consider implementing the operational guidelines provided in Executive Order 04.02.20.01 for Critical Infrastructure.

IT IS FURTHER

ORDERED: That all gyms, fitness centers, bowling alleys, body art studios permitted pursuant to Code Section 31-40-2, businesses registered pursuant to Code Sections 43-10-11 and 43-10-18, estheticians as defined by Code Section 43-10-1(8), hair designers as defined by Code Section 43-10-1(9), and persons licensed to practice massage therapy pursuant to Code Section 43-24A-8, may begin in-person Minimum Basic Operations on Friday, April 24, 2020. All such businesses shall implement measures which mitigate the exposure and spread of COVID-19. Such measures shall include:

1. Screening and evaluating workers who exhibit signs of illness, such as a fever over 100.4 degrees Fahrenheit, cough, or shortness of breath;
2. Requiring workers who exhibit signs of illness to not report to work or to seek medical attention;
3. Enhancing sanitation of the workplace as appropriate;
4. Requiring hand washing or sanitation by workers at appropriate places within the business location;

5. Providing personal protective equipment as available and appropriate to the function and location of the worker within the business location;
6. Prohibiting gatherings of workers during working hours;
7. Permitting workers to take breaks and meals outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable;
8. Implementing teleworking for all possible workers;
9. Implementing staggered shifts for all possible workers;
10. Holding all meetings and conferences virtually, wherever possible;
11. Delivering intangible services remotely wherever possible;
12. Discouraging workers from using other workers' phones, desks, offices, or other work tools and equipment;
13. Prohibiting handshaking and other unnecessary person-to-person contact in the workplace;
14. Placing notices that encourage hand hygiene at the entrance to the workplace and in other workplace areas where they are likely to be seen;
15. Suspending the use of Personal Identification Number ("PIN") pads, PIN entry devices, electronic signature capture, and any other credit card receipt signature requirements to the extent such suspension is permitted by agreements with credit card companies and credit agencies;
16. Enforcing social distancing of non-cohabitating persons while present on such entity's leased or owned property;
17. For retailers and service providers, providing for alternative points of sale outside of buildings, including curbside pickup or delivery of products and/or services if an alternative point of sale is permitted under Georgia law;
18. Increasing physical space between workers and customers;
19. Providing disinfectant and sanitation products for workers to clean their workspace, equipment, and tools;
20. Increasing physical space between workers' worksites to at least six (6) feet.

IT IS FURTHER

ORDERED: That consistent with previous Executive Orders, Minimum Basic Operations are limited to:

1. The minimum necessary activities to maintain the value of a business, establishment, corporation, non-profit corporation, or organization, provide services, manage inventory, ensure security, process payroll and employee benefits, or for related functions. Such minimum necessary activities include

remaining open to the public subject to the restrictions of this Order.

2. The minimum necessary activities to facilitate employees or volunteers being able to work remotely from their residences or members or patrons being able to participate remotely from their residences.
3. Instances where employees are working outdoors without regular contact with other persons, such as delivery services, contractors, landscape businesses, and agricultural industry services.

IT IS FURTHER

ORDERED: That consistent with previous Executive Orders, no business, establishment, corporation, non-profit corporation, organization, or county or municipal government shall allow more than ten (10) person to be gathered at a single location if such gathering requires persons to stand or be seated within six (6) feet of any other person. This provision shall not apply to cohabitating person outside of their homes, family units or roommates residing together in private homes, or entities defined as "Critical Infrastructure" by Executive Order.

IT IS FURTHER

ORDERED: That as used in this Order, the term "single location" shall be interpreted to mean a space where all persons gathered cannot maintain at least six (6) feet of distance between themselves and any other person. The term "single location" shall not include private residences.

IT IS FURTHER

ORDERED: That in addition to those entities and workers defined as "Critical Infrastructure" in Executive Order 04.02.20.01, all workers, businesses, establishments, corporations, non-profit corporations, and organizations included in version 3.0 of Guidance on Essential Critical Infrastructure Workers released by the U.S. Department of Homeland Security on April 17, 2020, shall also be defined as "Critical Infrastructure" in this State. The operation of Critical Infrastructure shall not be impeded by county, municipal, or local ordinance.

IT IS FURTHER

ORDERED: That the Department of Public Health shall enter into an agreement with Augusta University Health System, Inc., to provide COVID-19

screening and testing services for residents and visitors of the State of Georgia.

IT IS FURTHER

ORDERED: That for the purposes of this Order, the term "AU Health" shall refer to Augusta University Health System, Inc. and its affiliated entities, including without limitation, Augusta University Medical Center, Inc., Augusta University Medical Associates, Inc., and any and all subsidiaries. The term "AU Health" shall also include the directors, officers, employees, staff, contractors, and facilities for all the entities listed above.

IT IS FURTHER

ORDERED: That subject to any agreement with the Department of Public Health, AU Health shall become agents of the State for the purposes of Code Sections 38-3-35 and 38-3-51(j).

IT IS FURTHER

ORDERED: That services provided or performed for the Department of Public Health by AU Health shall be considered acts in accordance with an Order entered by the Governor pursuant to Code Section 38-3-51(j).

IT IS FURTHER

ORDERED: That pursuant to Code Sections 31-2A-4(9) and 38-3-51(d)(1), because this public health emergency due to the spread of the novel coronavirus, COVID-19, is a "grave emergenc[y] of more than local peril," the Department of Public Health is authorized "to employ whatever means may be at its disposal to overcome [this] emergenc[y]," including, but not limited to, overriding the orders of county boards of health, health districts, and their officers, directors, and employees to enforce uniformity in the State's response to the spread of the novel coronavirus, COVID-19.

IT IS FURTHER

ORDERED: That the State Health Officer shall have the authority to select which specific COVID-19 screening and testing services operate on behalf of the State, health districts, and county boards of health. The selection of screening and testing services shall be based on a balancing of sound medical principles and the public health and safety interests of the State.

IT IS FURTHER

ORDERED: That the State Health Officer shall have the authority to enforce uniform testing requirements in this State, and failure to comply with orders by the State Health Officer shall be a misdemeanor pursuant to Code Section 38-3-7, enforceable by law enforcement officers.

IT IS FURTHER

ORDERED: That the Adjutant General of the Georgia National Guard, acting at the direction of the State Health Officer, shall have the authority to enforce uniform testing requirements in this State, and failure to comply with orders by the Adjutant General shall be a misdemeanor pursuant to Code Section 38-3-7, enforceable by law enforcement officers.

IT IS FURTHER

ORDERED: That pursuant to Executive Order 04.02.20.01 and Code Section 38-3-51, enforcement of any county or municipal ordinance or order that is more or less restrictive than this Order is hereby suspended.

IT IS FURTHER

ORDERED: That cardiac technicians, emergency medical technicians, paramedics, and paramedic clinical preceptors as defined by Code Section 31-11-2 shall be considered auxiliary emergency management workers pursuant to Code Section 38-3-35.

IT IS FURTHER

ORDERED: That officers, directors, employees, staff, and contractors of air ambulance services, ambulance providers, emergency medical services systems, EMSC programs, and local coordinating entities as defined by Code Section 31-11-2 shall be considered auxiliary emergency management workers pursuant to Code Section 38-3-35.

IT IS FURTHER

ORDERED: That during the Public Health State of Emergency, services provided or performed by air ambulance services, ambulance providers, emergency medical services systems, EMSC programs, and local coordinating entities as defined by Code Section 31-11-2 shall be considered emergency management activities pursuant to Code Section 38-3-35.

IT IS FURTHER

ORDERED: That any provision of any previously issued Executive Order that is in direct conflict with any provision of this Order is hereby rescinded.

IT IS FURTHER

ORDERED: That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

IT IS FURTHER

ORDERED: All provisions of the Order shall become effective upon signature and shall expire at the conclusion of the Public Health State of Emergency declared in Executive Order 03.14.20.01 and renewed by Executive Order 04.08.20.02. If the Public Health State of Emergency is renewed, this Order shall carry forward with the Public Health State of Emergency until such state of emergency is terminated or ceases to be renewed by the Governor.

This 20th day of April 2020 at 3:41 P.M.

GOVERNOR