

Summary of Executive Order 04.30.20.01

ORDERED: A renewal for thirty (30) days of “the Public Health State of Emergency declared by Executive Order 03.14.20.01 and renewed by Executive Order 04.08.20.02.”

ORDERED: The Public Health State of Emergency extends to June 12, 2020 at 11:59 P.M.

ORDERED: The “terms of Executive Orders 03.14.20.01 and 04.08.20.02 are adopted by reference.”

Executive Order 03.14.20.01 – Explicitly adopted by reference by EO 04.30.20.01

- Declared a Public Health State of Emergency
- Gave the Georgia Emergency Management and Homeland Security Agency and the Georgia Department of Public Health powers and duties during the emergency
- Required all state and local authorities to comply with the Governor’s orders
- Gave the Georgia Composite Medical Board and Georgia Board of Nursing powers to issue temporary licenses
- Allowed commercial vehicles to have longer hours and higher weight limits and sizes
- Prohibited price gouging

Executive Order 04.08.20.02 – Explicitly adopted by reference by EO 04.30.20.01

- Extended the Public Health State of Emergency to May 13, 2020, at 11:59 P.M.
- Adopted the terms of Executive Order 03.14.20.01 by reference
- Extended Executive Orders 04.02.20.01, 04.03.20.01, and 04.03.20.02 to expire on April 30, 2020, at 11:59 P.M.

Executive Order 04.02.20.01 – Even though it is explicitly extended in EO 04.08.20.02 which WAS explicitly renewed by EO 04.30.20.01, it doesn’t appear the intent of EO 04.30.20.01 was to further extend this particular EO **THIS EXPIRED ON APRIL 30**

- Residents and visitors of Georgia required to practice social distancing and sanitation in accordance with the Governor’s Orders and CDC Guidance
- No more than 10 people in a location unless people can be stood or seated more than 6 feet apart
- All residents and visitors are required to shelter in place
- Defines essential services and necessary travel
- Defines and provides limitations for minimum basic operations and allows many businesses to operate under such limitations and be open to the public
- Defines and provides limitations for critical infrastructure
- Authorizes the Georgia Department of Economic Development to issue guidance to businesses, corporations, organizations, or industry trade groups regarding their status as critical infrastructure
- Mandates that all restaurants and private social clubs cease to provide dine-in services
- Mandates that gyms, fitness centers, bowling alleys, theaters, live performance venues, operators of amusement rides, body art studios, estheticians, hair designers, massage therapists, and bars be closed
- Provides standards for people required to shelter-in-place

- The provisions for sheltering in place will be strictly enforced against nursing homes and other long-term care facilities
- Provides for exceptions to the shelter-in-place requirements
- Authorizes the Georgia Department of Public Health, Georgia Department of Public Safety, or any other state department or officer deputized by the Governor or GEMA to close businesses not in compliance with the order “for a period not to extend beyond the term of this order.”
- Authorizes the Adjunct General of the Georgia National Guard and the Commissioner of the Department of Public Safety to provide resources to assist with enforcement of the order.
- Suspends the powers of cities and counties conveyed in Titles 36 and 38 and specifically OCGA 36-5-22.1 and 36-35-3 to the extent any local ordinance or order adopted or issued since March 1, 2020 responding to the crisis conflicts, varies, or differs from the Order; additionally suspends enforcement of any local ordinance or order unless they are designed to enforce compliance with this Order

Executive Order 04.03.20.01 - Even though it is explicitly extended in EO 04.08.20.02 which WAS explicitly renewed by EO 04.30.20.01, it doesn't appear the intent of EO 04.30.20.01 was to further extend this particular EO **THIS EXPIRED ON APRIL 30**

- Authorizes the sheriffs and their deputies to enforce the closure of businesses in accordance with Executive Order 04.02.20.01
- Requires sheriffs and their deputies to provide notice and an allowance for compliance

Executive Order 04.03.20.02 - Even though it is explicitly extended in EO 04.08.20.02 which WAS explicitly renewed by EO 04.30.20.01, it doesn't appear the intent of EO 04.30.20.01 was to further extend this particular EO **THIS EXPIRED ON APRIL 30**

- Provides some clarification for the terms of EO 04.02.20.01
- Clarifies that law enforcement officers are allowed to issue misdemeanor citations for violations of EO 04.02.20.01 under state law

ORDERED: “Executive Orders 04.08.20.03, 04.08.20.05, and Section III of Executive Order 04.34.20.02...are extended for a period of forty-three (43) days, and shall expire on Friday, June 12, 2020, at 11:59 P.M.”

Executive Order 04.08.20.03 – Explicitly extended by EO 04.30.20.01

- Established protocols for facilities such as nursing homes and assisted living communities
- Authorized the Georgia Department of Public Health to issue directives for such facilities
- Mandated the compliance with directives of the Georgia Department of Public Health and Georgia National Guard for such facilities
- Authorized the Georgia Department of Public Health to assume management and supervision of any such facility which was not following the rules

Executive Order 04.08.20.05 – Explicitly extended by EO 04.30.20.01

- Extended Executive Order 03.14.20.02 until May 13, 2020, at 11:59 P.M. (this order called upon the Georgia National Guard to bring 2,000 troops to active duty)
- Ordered the Georgia National Guard to provide an additional 1,000 troops, bringing the total authorization to 3,000 troops to active duty and to give the adjunct General certain specific duties

Executive Order 04.23.20.02, Section III – Explicitly extended by EO 04.30.20.01

- Required a shelter-in-place for certain vulnerable categories of residents and visitors to the State of Georgia from May 1, 2020 at midnight to May 13, 2020, at 11:59 P.M.
- Established rules for such extended shelter-in-place

Which Executive Orders, besides EO 04.30.20.01 will still remain active after May 13?

- (1) **Executive Order 04.20.20.01** – This Executive Order explicitly states that it will carry forward if the Public Health State of Emergency is renewed. It orders:
 - Medical facilities to be allowed to conduct elective procedures without a minimum basic operations limitation
 - Gyms, fitness centers, bowling alleys, body art studios, beauty shops and barbers, hair designers, estheticians, and massage therapists to operate under minimum basic operations
 - Limits gatherings in any establishment of more than 10 people unless people can be separated by 6 feet or more
 - Provides a definition for single location
 - Provides an updated definition for Critical Infrastructure
 - Authorizes the Georgia Department of Public Health to work with the Augusta University Health System on testing and screening
 - Provides certain powers and duties to the Augusta University Health System
 - Provides the Georgia Department of Public Health the ability to override county boards of health and other powers
 - Provides the State Health Officer to make decisions about testing and screening and enforcement of such testing requirements
 - Provides the Adjunct General of the Georgia National Guard powers to enforce uniform testing requirements
 - Prohibits any county or municipal ordinance which is more or less restrictive than this Order
 - Identifies auxiliary emergency management workers and emergency management activities
- (2) **Executive Order 04.23.20.02, Section IX** – Explicitly states that it will carry forward if the Public Health State of Emergency is renewed and suspends the Department of Driver Services requirements for driver tests for certain drivers
- (3) **Executive Orders 03.3.20.01 and 04.09.20.01** – Deals with remote notarization and execution of certain legal documents

- (4) **Executive Order 04.13.20.02** – Suspends the law prohibiting wearing of masks to allow people to wear masks for public health purposes
- (5) **Executive Order 04.27.20.01** – Mostly clean up and clarification of previous orders; it does not explicitly state that it continues if the Emergency is renewed, but it seems logical that it would be renewed if that occurred
- (6) **Executive Orders 03.20.20.02 and 03.30.20.01** – The first EO provides some relief for medical provider rules, suspends local permitting requirements to some extent, urges local clerks to stay open, allows corporations to have teleconference meetings, and gives some powers to the Department of Community Health; the second cleans up some of those local permitting provisions

What is NOT Extended or Adopted by Reference in EO 04.30.20.01?

- (1) **Executive Order 04.23.20.02, Sections I, II, IV, V, VI, VII, VIII, X, XI** – Executive Order 04.30.20.01 explicitly extends Section III of EO 04.23.20.02, which indicates the rest of this Executive Order will expire on May 13, 2020, at 11:59 P.M. unless extended by a subsequent Executive Order of the Governor. These provisions which will expire on May 13th include:
 - *Section I* - General Provisions – residents and visitors are required to practice social distancing, encourages to wear face coverings, required to practice sanitation, and prohibit gatherings (a defined term)
 - *Section II* – Definitions – defined critical infrastructure, essential services, gathering, necessary travel, personal protective equipment, shelter in place, single location, and social distancing
 - *Section IV* – Restaurants and Dining Services – set occupancy limitations for restaurants to allow in a facility, allowed restaurants to resume in-person dine-in services, sets measures for such restaurants and dine-in services to be mandated to follow, does not apply to dine-in services in health facilities, and controls over Section V of this Order if there is a conflict
 - *Section V* – Industry, Commerce, Organizations, & Non-Profits – authorizes the Georgia Department of Economic Development to issue guidance, sets rules for critical infrastructure to operate which they may choose to follow, sets rules for non-critical infrastructure to operate which they shall follow, keeps closed public swimming pools, performance venues, operators of amusement rides, and bars until May 13th, sets occupancy and rules for grocery stores they may and shall follow, sets rules for gyms and fitness centers that they shall follow; sets rules for body artists, barbers, estheticians, hair designers, massage therapists, and tanning facilities that they shall follow, sets rules for theaters they shall follow, sets rules for bowling alleys they shall follow, sets some social distancing rules that shall be followed by outdoor workers, and allows non-profits to have remote meetings (this provision does not appear to have an end date)
 - *Section VI* – Healthcare – requires them to fall under critical infrastructure rules, following national guidelines for specific practices, follow CDC recommendations for disinfecting, and provides rules for ambulatory surgical centers
 - *Section VII* – Education & Children – supports distance learning, defines single location for education purposes as a classroom, requires a cessation of transport of children with

exceptions, sets rules and standards for screening et al., suspends some state laws related to children, and clarifies custodial arrangements

- *Section VIII* – County and Municipal Governments – suspends certain deadlines applicable to local governments, specifically allows local governments to enact orders supplementing the Governor’s orders, and prohibits local governments from impeding critical infrastructure
- *Section X* – Enforcement – provides regulatory authority to certain state entities, clarifies that violations of the order are a misdemeanor under state law and law enforcement can cite people, allows law enforcement to close a business for repeated violations after issuing at least two citations for violations, and suspends enforcement of any county or city ordinance which is more or less restrictive
- *Section XI* – Miscellaneous – just contains general boilerplate information

- (2) **Executive Order 04.08.20.04** – Dealt with short-term rentals but was not extended past April 30

FINAL TAKEAWAYS

- (1) From May 1 to May 13, Executive Order 04.23.20.02 will be in effect, meaning local governments will have extended powers of enforcement to close businesses that violate the order and have received two citations and certain deadlines for local governments, particularly around finances, will be suspended. After May 13th, local governments will still be able to issue misdemeanor citations for violations of the Governor’s Orders pursuant to O.C.G.A. §§ 38-3-4 and 38-3-7 but will not be able to close businesses which violate the Governor’s Orders. Additionally, the provisions suspended certain reports of local governments will expire (though those suspensions typically suspended the reporting for a set time period such as a 90-day suspension).
- (2) Restaurants (April 27th to May 13th) and grocery stores (May 1st to May 13th) will have specific rules applicable to them that they must follow to be open. After May 13 all of those rules applicable to them will expire and they would all presumably be able to open as they did before the pandemic, without restrictions, unless there is a subsequent Executive Order.
- (3) After May 13, the Governor’s Orders prohibiting any local action more or less restrictive than his own actions, will expire. However, O.C.G.A. § 38-3-28(a) will still be in effect, limiting local actions to supplementing the Governor’s Orders so long as they are not inconsistent with his Orders.
- (4) After May 13, while gyms, fitness centers, bowling alleys, body art studios, beauty shops and barbers, hair designers, estheticians, and massage therapists will continue to be required to operate under minimum basic operations, other businesses previously required to operate under minimum basic operations and other rules (businesses which were not critical infrastructure) and those businesses which are critical infrastructure will be allowed to presumably be able to open as they did before the pandemic, without restrictions, unless there is a subsequent Executive Order because of the expiration and non-renewal of Executive Orders 04.02.20.01 and 04.23.20.02.