



MAJOR POINTS FROM GOVERNOR KEMP'S 04.23.20.02 EXECUTIVE ORDER

On April 23, 2020, Governor Kemp issued an extensive and detailed Executive Order. The 04.23.20.02 Executive Order ("the Order") is effective from May 1, 2020, until May 13, 2020, unless otherwise amended to cover different dates. The Order also extends the 04.08.20.04 Executive Order until May 13, 2020, at 11:59 P.M. In the Order the Governor covered the following topics related to the Coronavirus public health emergency:

- (Section I) General Provisions
- (Section II) Definitions of terms used in this and previous Orders, such as "Social Distancing" and "Critical Infrastructure"
- (Section III) Specifications for those who are required to Shelter in Place after the April 30th shelter in place expires
- (Section IV) Requirements for Restaurants and Dining Services that decide to reopen for dine-in services beginning April 27, 2020
- (Section V) Requirements for in-person operations by both Critical Infrastructure businesses and non-Critical Infrastructure operations
- (Section VI) Specifications for health care providers
- (Section VII) Requirements for childcare and educational services
- (Section VII) Orders to County and Municipal Governments
- (Section IX) Information to Drivers' Services
- (Section X) Orders on enforcement in this and previous Executive Orders.

CHANGES FOR LOCAL GOVERNMENTS (see pages 22-23 of Executive Order 04.23.20.02)

Although it is vital that Local Government entities acquaint themselves with the complete substance of the Order, some of the highlights for local governments are as follows:

1. Local governments can enact ordinances for emergency management purposes and to supplement the carrying out of the Order. Such ordinances cannot be "inconsistent" with the Order. This wording may seem somewhat confusing, especially as there is little by way of guidance on how this should be interpreted. However, it is likely that ordinances providing practical rules and regulations as to exactly how the Order should be followed (such as for example, giving requirements for how the fever screening at restaurants should be carried out) would be consistent with the Order. On the other hand, ordinances that restrict activities that have been explicitly allowed or restricted by the Order would be "inconsistent" with the Order.
2. After providing reasonable notice and **at least two** citations for violations of O.C.G.A. §38-3-7, any Local government law enforcement officer is authorized to mandate the closure of any business, establishment, corporation for failure to comply with the provisions of the Order. (This likely is in response to a specific GMA request.)
3. Violation of the Order is defined as a misdemeanor under O.C.G.A. §38-3-7.
4. The requirements of O.C.G.A. §§36-70-27 (which relates to limitations of funding for projects inconsistent with strategy) and 50-8-8 (which concerns grants, loans, and other disbursements of

funds from the state community development program) are suspended to the extent that they would prevent local governments from being eligible to receive state funding for expenditures made during the current Public Health State of Emergency related to the prevention, treatment, or mitigation of COVID-19. (This likely is in response to a specific GMA request.)

5. The following reporting deadlines have been extended by ninety (90) days for any local government that would have had an audit due at any time during the Public Health State of Emergency or within ninety (90) days after the Public Health State of Emergency ends (This likely is in response to a specific GMA request.):
 - a. Audit reporting deadline imposed by O.C.G.A. §36-81-7(d),
 - b. Deadline for submission of the local government finances reports and indebtedness reports required under O.C.G.A. §36-81-8,
 - c. Grant certification form reporting deadlines imposed by O.C.G.A. §36-81-8.1.

SUMMARY OF KEY POINTS

General highlights:

- 1) Shelter in place **for everyone** still applies until April 30, 2020 at 11:59PM.
- 2) Starting May 1st through May 13th - Shelter in place will continue for those defined by the CDC as being high risk or suffering from a severe illness (see list on page 5 of the Order).
 - a. Those who continue to shelter in place on May 1 can leave for the same reasons as before – to get food, medical assistance, etc.
- 3) Everyone (everywhere) must practice social distancing procedures as well as sanitation methods as prescribed by the CDC.
- 4) Everyone is strongly encouraged to wear a face mask when outside of their homes (except for when eating or exercising).
- 5) No vacation rentals allowed until May 13, 2020 at 11:59PM. (This likely is in response to a specific GMA request.)
- 6) The Order does not affect or alter court ordered visitation of minor children.
- 7) The Order expires May 13, 2020 at 11:59PM, unless renewed.
- 8) Public swimming pools, live performance venues, operators of amusement rides, and bars are to remain CLOSED to the public during the Order, which means from May 1, 2020 to May 13, 2020.

Critical and Non-Critical Infrastructure:

- 1) **Critical Infrastructure** – Starting May 1st – the same provisions as were previously ordered apply – except they now must implement COVID-19 mitigating measures “to the maximum extent possible” – See pages 10-11 of the Order.
- 2) **Non-Critical Infrastructure** – May resume in-person services on May 1st – and must implement COVID-19 mitigating measures – see pages 11-12 of the Order.
 - a. ****Both Critical and Non-Critical Infrastructure should provide personal protective equipment as appropriate, sanitation and disinfectant products, and increase physical space between employees.**

Specific Businesses (which may also be critical or non-critical above)

- 1) **Restaurants** – STARTING MONDAY, April 27, 2020 at 12:00AM – May offer dine-in service only provided strict provisions are followed. Restaurants allowing dine-in service:
 - a. Cannot allow more than 10 patrons per 500 square feet of public space. (to calculate – include waiting and bar areas, but not hallways, restrooms and spaces not open to the public)
 - b. SHALL implement the **39** measures of the Order (many are new) intended to mitigate the spread of COVID-19 found on pages 7-9 of the Order.
 - c. Some, but not all, of the significant measures are:
 - i. Not allowing anyone with a fever of 100.4 to work (screen all workers).
 - ii. Sick employees cannot work and can only return after 7 days if fever free for at least 3 days.
 - iii. Train employees on proper cleaning techniques and the importance of this cleaning.
 - iv. **All employees** must wear face coverings **at all times**, this includes back of house staff.
 - v. No handshaking or person to person contact.
 - vi. Enforce social distancing of non-cohabitating persons.
 - vii. No salad bars/buffets.
 - viii. Thoroughly clean and disinfect all areas before opening back up on the 27th.
 - ix. Between diners restaurant staff must sanitize table condiments, digital ordering devices, check presenters, self-service areas, tabletops and commonly touched areas, and discard any single-use items.
 - x. Use rolled silverware (no table pre-sets).
 - xi. No self-service stations – wherever practicable. Employees should provide the items (such as drinks, condiments, utensils).
 - xii. Disposable paper menus are strongly encouraged. Otherwise, menus must be sanitized between each patron.
 - xiii. Redesign seating areas to allow for at least 6 feet of separation from seating to seating.
 - xiv. Party sizes can be no more than 6
 - xv. All restaurant dining room playgrounds are closed.
 - d. These requirements do not apply to dine-in services at hospitals, healthcare facilities, nursing homes, or other long-term care facilities.
- 2) **Retail Businesses and Food Establishments (grocery stores, convenience stores)** starting May 1, 2020 to May 13, 2020 – shall implement additional measures (in addition to those in either critical or non-critical above) which are listed on pages 12-13 of the Order. Some notable measures are:
 - a. Limit number of patrons to 50% of fire capacity occupancy or 8 patrons per 1,000 square feet; (This likely is in response to a specific GMA request.)
 - b. Encourage patrons to use hand sanitizer upon entry;
 - c. Encourage non-cash payments where possible;
 - d. Sanitize entrance and exit doors at least three times a day;
 - e. Encourage employees to report health/safety issues to employer;
 - f. Installing protective screens or other mitigation measures where worker-patron interactions are likely; and
 - g. Provide additional hand sanitizer within the business.

- 3) **Food Establishments (grocery stores, convenience stores)** starting May 1, 2020 to May 13, 2020 – have additional measures they must implement – (in addition to those above in critical infrastructure and #2 above) and those are found on pages 13-14 of the Order) – Notable measures are:
 - a. Scheduling specific hours of operations for vulnerable populations; (This likely is in response to a specific GMA request.)
 - b. Reducing store hours for additional cleaning after hours; (This likely is in response to a specific GMA request.)
 - c. Enacting policies and procedures for social distancing – Plexiglass at registers; decals on floors; one-way aisles;
 - d. Providing personal protective equipment for workers;
 - e. Encouraging patrons to wear face coverings;
 - f. No cooking stations or sampling stations;
 - g. No self-service salad bars or buffets;
 - h. Adding staff to oversee the sanitation of grocery carts
 - i. Procuring options with third-party servicers for additional cleaning;
- 4) **Gyms and Fitness Centers** – (effective immediately – they can open Friday, April, 24, 2020) in addition to the other measures applicable above (those in non-critical infrastructure) Gyms and Fitness Centers **must** implement 16 measures if they wish to reopen–
 - a. See pages 14-15 of the Order. Essentially, screen patrons, don't let anyone in that is sick, clean everything, make sure patrons observe social distancing requirements. Provide cleaners for patrons to clean machinery after use.
- 5) **Beauty Salons, Barbers, Body Art Studios, Massage Therapists etc.** – (effective immediately – they can open Friday, April, 24, 2020) – must implement (in addition to the non-critical infrastructure requirements) – the 13 mitigating measures found on pages 15-16 of the Order.
 - a. Notable measures are: operate with appointments only, require patrons to use hand sanitizer before serving, not allowing anyone symptomatic to enter, allow one patron per service provider at the time (parent may enter with child), patrons must wait in their cars until the service provider is ready; stagger work schedules so that no more than 50% of service providers are present at the same time; workstations should be more than 10 feet apart; sanitize chairs, etc., between appointments.
- 6) **Theaters and Cinemas** – (effective May 1, 2020 at 12:00AM) – must implement the list of requirements for the “non-critical” list and implement additional measures found on page 16 of the Order.
- 7) **Bowling Alleys** – (effective May 1, 2020 at 12:00AM – they can open Friday, April 24, 2020) – must implement non-critical list and implement additional specific measures found on pages 16-17 of the Order. If they have a food service area – they must adhere to the measures required for dine-in restaurants.
 - a. No parties or Gatherings (as defined on page 4 of the Order) – no playgrounds or arcade rooms may be open.
 - b. Sanitize equipment and seats, devices between use.
- 8) **Healthcare Providers** – are regulated on pages 18-20 of the Order. There are specific requirements for differing healthcare providers – i.e., dentists, optometrists, etc.
- 9) **Education and Children (Child Care Providers)** – (see pages 20-22 of the Order)
 - a. No transporting children for any reason except from their residence to the facility.

- b. Must implement the non-critical infrastructure measures – and specific measures found on pages 20-21 of the Order.
 - i. Screen children for fever/illness.
 - ii. Prohibit entry if ill.
 - iii. Provide meals in classrooms rather than one large room.
 - iv. Restrict family member’s access to the building – either the main entry door only or the door to the classroom, as is practical.
 - v. Frequently clean touched surfaces.
 - vi. Use washable toys to the extent practical.
 - vii. Each child’s bedding must be kept separate and washed weekly – or before it is used on another child.

Local Governments

- 1) Reporting requirements for audits suspended (see pages 22-23) (This likely is in response to a specific GMA request.)
- 2) Can enact ordinances for emergency management purposes and to supplement the carrying out of the Order – but cannot be more or less restrictive.

Driver’s Licenses

- 1) Applies for as long as there is a public health state of emergency declared.
- 2) No requirement of an on-the-road driving test if all other requirements are met before a license may be issued.
- 3) The one-year requirement of having a learner’s license is suspended and upon turning 16 – a class D license may be issued.

Enforcement

1. Any law enforcement officer may, after providing reasonable notice and at least TWO citation for violations of OCGA 38-3-7 – may be authorized to mandate the closure of any business, establishment, corporation for failure to comply with the provisions of the Order. (This likely is in response to a specific GMA request.)
2. Violation of the Order is a misdemeanor under 38-3-7.
3. No judicial Order is affected by the executive Order.