



STAGE 4
June 13 – June 26

**STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
STAY HEALTHY GUIDELINES**

June 13, 2020

BUSINESSES AND GOVERNMENTAL AGENCIES MAY CONTINUE TO RESUME OPERATIONS AT PHYSICAL LOCATIONS IN THE STATE OF IDAHO.

ALL BUSINESSES AND GOVERNMENTAL AGENCIES SHOULD ADHERE TO THE PHYSICAL DISTANCING AND SANITATION REQUIREMENTS DESCRIBED IN SECTION 4.

VULNERABLE INDIVIDUALS LIVING IN THE STATE OF IDAHO MAY RESUME PUBLIC INTERACTIONS BUT SHOULD TAKE PRECAUTIONARY MEASURES.

GATHERINGS OF ANY SIZE ARE ALLOWED BUT SHOULD ADHERE TO THE PHYSICAL DISTANCING AND SANITATION REQUIREMENTS DESCRIBED IN SECTION 4.

NON-ESSENTIAL TRAVEL CAN RESUME.

**THE GOVERNOR AND IDAHO DEPARTMENT OF HEALTH AND WELFARE
DIRECTOR FIND THAT:**

1. The virus that causes Coronavirus 2019 Disease (“COVID-19”) has resulted in a global pandemic, is present in Idaho, and has infected over 3,200 Idahoans, resulting in 85 deaths to date. The virus is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect public health and safety and safeguard the ability of public and private healthcare providers to handle an influx of new patients.

The Governor’s Guidelines for Opening Up Idaho are based on evidence of a reduction of severe cases of COVID-19 within the State of Idaho; as well as, the advice and input of state epidemiologists, public health experts, and guidelines provided by the Centers for Disease Control and Prevention (“CDC”) and the White House. These guidelines are also based on the scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the state places its citizens at risk for serious health complications, including death, from COVID-19.

Due to the outbreak of the COVID-19 virus, which the CDC considers a serious public health threat, there is a public health emergency throughout the State of Idaho. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in transmission of the virus.

At present, travel is a commonly known source of COVID-19 infections in Idaho. All fifty states and the District of Columbia have reported cases and declared states of emergency. Now, COVID-19 clusters with substantial community spread have developed across the United States, including in Idaho and neighboring states. One Idaho county had the highest per-capita number of cases in the country at one time and COVID-19 is believed to have been introduced into the county by a traveler or travelers visiting Idaho from out of state.

The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the healthcare system from being overwhelmed. Following State and CDC guidelines helps preserve critical and limited healthcare capacity in the State of Idaho. Opening certain business activities in stages reduces the risk of spread of COVID-19 to Idaho citizens, including Idaho's most vulnerable population. In consultation with state and federal epidemiologists and healthcare experts, this staged approach is intended to preserve capacity in our healthcare system by opening businesses in stages and maintaining physical distancing.

2. Vulnerable individuals in Idaho may resume public interactions but should practice physical distancing and wear face coverings or masks while in public. Vulnerable individuals should minimize exposure to social settings where distancing may not be practical. Vulnerable individuals that do not feel comfortable resuming public interactions are strongly encouraged to stay at home. Members of households with vulnerable residents should be aware that by returning to work or other environments where distancing is not always possible they could carry the virus back home.

Vulnerable individuals are people who are at higher risk for severe illness as defined by the CDC located at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>

3. People participating in gatherings of any size should adhere to the Physical Distancing and Sanitation recommendations in Section 4.
4. **“Physical Distancing and Sanitation Recommendations”**
 - a. Individuals should:

- i. Maintain at least six-foot physical distancing from other individuals whenever possible;
- ii. Wash hands with soap and water for at least twenty seconds as frequently as possible or use hand sanitizer;
- iii. Cover coughs or sneezes (into the sleeve or elbow, not hands);
- iv. Regularly clean high-touch surfaces and not shake hands;
- v. Stay home if sick;
- vi. Wear face coverings while in public, especially when six-foot distancing is not always possible (e.g., inside businesses); and
- vii. Implement additional protocols established in the Governor's Guidelines for Opening up Idaho published at <https://rebound.idaho.gov/>.

b. Employers should:

- i. Develop and implement measures to ensure employees and customers maintain at least six-foot physical distancing from other individuals whenever possible;
- ii. Provide adequate sanitation and personal hygiene for employees, vendors, and patrons;
- iii. Frequently disinfect commonly touched and high-traffic areas and regularly clean those areas;
- iv. Identify how personal use items such as masks, face coverings, and gloves may be required by employees, vendors, and/or patrons;
- v. Provide services while limiting close interactions with patrons;
- vi. Identify strategies for addressing ill employees, which should include requiring COVID-19 positive employees to stay at home while infectious, and may include keeping employees who were directly exposed to the COVID-19 positive employee away from the workplace, and the closure of the business until the location can be properly disinfected;
- vii. On a case-by-case basis, include other practices appropriate for specific types of businesses such as screening of employees for illness and exposures upon work entry, requiring non-cash transactions, etc.; and

viii. Implement additional protocols established in the Governor's Guidelines for Opening up Idaho and the business-specific protocols published at <https://rebound.idaho.gov/>.

5. The Stay Healthy Order effective May 30, 2020 is hereby rescinded.

SIGNATURES:



BRAD LITTLE, GOVERNOR
STATE OF IDAHO

Dated: June 11, 2020



DAVE JEPPÉSEN, DIRECTOR
IDAHO DEPARTMENT OF HEALTH
AND WELFARE

Dated: June 11, 2020

ORDER OF THE DISTRICT BOARD OF HEALTH CENTRAL DISTRICT HEALTH, STATE OF IDAHO

Order regarding quarantine and restriction

PLACE OF QUARANTINE:

Bars and Nightclubs Located in Ada County, Idaho

RESTRICTION:

Employers, Businesses, and Individuals in Ada County, Idaho

THE DISTRICT BOARD OF CENTRAL DISTRICT HEALTH HEREBY FINDS AND DECLARES AS FOLLOWS:

1. The virus that causes Coronavirus 2019 Disease (“COVID-19”) is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety.

2. The number of COVID-19 infections reported to Central District Health since June 11, 2020, has significantly increased compared to the previous thirty-day time period. Epidemiological investigations conducted by Central District Health of infected individuals provides an association of a large number of infections in patrons and employees of Ada County bars and nightclubs and increased community transmission.

3. Protection of the public health and prevention of transmission of COVID-19 disease requires, during the effective period of the Order, that all bars and nightclubs in the place of quarantine are closed to the public for on-site consumption of beverages and to non-essential employees, except with specific permission of the Board of Health or its authorized representative, Russell A. Duke, District Director. This Order does not include the closure of restaurants, as defined in IDAPA 11.05.01.010.06, which have re-opening plans approved by Central District Health, but does include closure of the bar portion of the restaurant.

4. An immediate danger to the public health, safety and welfare of the people of the Central District Health, requires the imposition of this emergency quarantine Order, which is authorized by Idaho Code § 56-1003(7), IDAPA 16.02.10.065.08, and .09, Idaho Code § 39-415, and Idaho Code § 67-5247.

QUARANTINE

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. All bars and nightclubs open to the public for on-site consumption of beverages in Ada County are hereby declared under quarantine and must remain closed as to on-site consumption and no person is permitted to enter said place for on-site consumption, except with specific permission of the Board of Health or its authorized representative, Russell A. Duke, District Director, except to perform Minimum Basic Operations, defined as:

A. The minimum necessary activities to maintain the value of the business's inventory, 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;

C. The minimum necessary activities to prepare the business to reopen at such time as deemed appropriate, including but not limited to, sanitization, obtaining personal protective equipment, and setting up procedures to ensure compliance with social distancing and sanitation.

RESTRICTIONS

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Large venue gatherings in Ada County (concert venues, sporting venues, parades, festivals, etc.) are hereby prohibited.

2. Gatherings of more than 50 people, both public and private, should be avoided. People participating in gatherings of 50 or fewer people, while permitted, should adhere to social distancing and sanitation and wear face coverings.

3. Individuals not residing within the same household shall maintain at least six-foot physical distancing from other individuals whenever possible.

4. All Ada County employers shall:

A. Ensure measures are in place so that employees and customers maintain at least six-foot physical distancing from other individuals whenever possible.

B. Provide adequate sanitation and personal hygiene for employees, vendors, and patrons; and

C. Frequently disinfect commonly touched and high-traffic areas and regularly clean those areas.

D. Visits to senior living facilities, the Ada County Jail and state correctional facilities are prohibited and those employees and providers who do interact with residents, patients and inmates must adhere to strict protocols regarding hygiene and infection prevention.

5. This Order shall become effective at 12:01 a.m. on Wednesday, June 24, 2020, and will continue to be in effect until rescinded, superseded, or amended in writing by the authorized representative of the Board of Health, Russell A. Duke, District Director.

6. Please read this Order carefully. Violation of or failure to comply with this Order could constitute a misdemeanor punishable by fine, imprisonment, or both. Idaho Code § 56-1003(7)(c).

7. To decrease the spread of COVID-19, the cities of Ada County may enact more stringent public health orders than those set out in this Order.

8. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

9. Ada County and each city within must promptly provide copies of the Order as follows: (1) by posting the Order on its website, (2) by posting the Order at the county courthouse and each city hall, and (3) by providing a copy to any member of the public requesting it. The Order will also be posted on the website of Central District Health.

DATED this 22nd day of June 20 20.



Russell A. Duke, District Director

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

EMERGENCY ORDER 2020-09

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, all counties in Florida have positive cases for COVID-19, and COVID-19 poses a risk to the entire state of Florida; and

WHEREAS, the Governor issued Executive Order 20-52 on March 9, 2020, pursuant to the authority vested in him by Article IV, Section 1(a) of the Florida Constitution, the State Emergency Management Act, s. 252.31, Florida Statutes, *et al.*, as amended, and all other applicable laws, and declared a state of emergency for the State of Florida; and

WHEREAS, the Governor, in Executive Order Number 20-52, authorized each State agency to suspend the provisions of any regulatory statute of that agency, if strict compliance with that statute would in any way prevent, hinder, or delay necessary action in coping with this emergency; and

WHEREAS, on April 29, 2020, the Governor issued Executive Order 20-112 initiating Phase 1 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery;

WHEREAS, on June 3, 2020, the Governor issued Executive Order 20-139 initiating Phase 2 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery for 64 counties;

WHEREAS, under Phase 2, bars and other vendors licensed to sell alcoholic beverages for consumption on the premises were given permission to operate at fifty (50) percent of their indoor capacity, so long as they provided seated service only;

WHEREAS, the Governor directed the Department of Business and Professional Regulation to enforce the restrictions in Executive Order 20-139;

WHEREAS, during the month of June 2020, the number of individuals testing positive for COVID-19 increased significantly in the State of Florida, especially among younger individuals, and some of these cases involving younger individuals are suspected to have originated from visits to bars, pubs, or nightclubs who have disregarded the restrictions set forth in Phase 2 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery; and

WHEREAS, noncompliance by bars and other vendors licensed to sell alcoholic beverages for consumption on the premises is suspected throughout the State to such a degree as to make individualized enforcement efforts impractical and insufficient at this time;

NOW, THEREFORE, I, HALSEY BESHEARS, Secretary of Florida's Department of Business and Professional Regulation, pursuant to the authority granted by Executive Order Nos. 20-52, 20-71, 20-112, and 20-139, find the timely execution of the mitigation, response, and recovery aspects of the State's emergency management plan, as it relates to COVID-19, is negatively impacted by the operation of certain regulatory statutes related to the Department of Business and Professional Regulation ("the Department"). Therefore, I order the following:

1. All vendors licensed to sell alcoholic beverages for consumption on the premises who derive more than 50% of gross revenue from such sales of alcoholic beverages shall suspend such sales of alcoholic beverages for consumption on the premises. Such vendors may continue to sell alcoholic beverages in sealed containers for consumption off the premises in accordance with Executive Order 20-71, Sections 1 and 2.

2. Vendors who are also licensed as public food service establishments or “restaurants” under Chapter 509, Florida Statutes, may continue to operate for on-premises consumption of food and beverages at tables pursuant to the restrictions in Executive Order 20-139, so long as these vendors derive 50% or less of gross revenue from the sale of alcoholic beverages for on-premises consumption.
3. This Emergency Order shall take effect on the date of its filing.

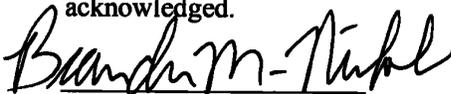
Executed this 26th day of June, 2020, in Tallahassee, Leon County, Florida.

FLORIDA DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION



Halsey Beshars, Secretary
2601 Blair Stone Road
Tallahassee, Florida 32399

Filed on this date, with
the designated Agency Clerk,
receipt of which is hereby
acknowledged.



Agency Clerk's Office

Date: 6/26/2020



GOVERNOR GREG ABBOTT

June 26, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8:45 AM 'CLOCK

JUN 26 2020

Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-28 relating to the targeted response to the COVID-19 disaster as part of the reopening of Texas.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
June 26, 2020

EXECUTIVE ORDER
GA 28

*Relating to the targeted response to the COVID-19 disaster
as part of the reopening of Texas.*

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 continues to represent a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, I issued Executive Order GA-08 on March 19, 2020, mandating certain social-distancing restrictions for Texans in accordance with guidelines promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC); and

WHEREAS, I issued Executive Order GA-14 on March 31, 2020, expanding the social-distancing restrictions for Texans based on guidance from health experts and the President; and

WHEREAS, I subsequently issued Executive Orders GA-16, GA-18, GA-21, GA-23, and GA-26 from April through early June 2020, aiming to achieve the least restrictive means of combatting the threat to public health by continuing certain social-distancing restrictions, while implementing a safe, strategic plan to Open Texas; and

WHEREAS, as Texas reopens in the midst of COVID-19, increased spread is to be expected, and the key to controlling the spread and keeping Texas residents safe is for all Texans to consistently follow good hygiene and social-distancing practices, especially those set forth in the minimum standard health protocols from DSHS; and

WHEREAS, due to recent substantial increases in COVID-19 positive cases, and increases in the COVID-19 positivity rate and hospitalizations resulting from COVID-19, targeted and temporary adjustments to the reopening plan are needed to achieve the

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least restrictive means for reducing the growing spread of COVID-19 and the resulting imminent threat to public health, and to avoid a need for more extreme measures; and

WHEREAS, everyone must act safely, and to that end, this executive order and prior executive orders provide that all persons should follow the health protocols from DSHS, which whenever achieved will mean compliance with the minimum standards for safely reopening, but which should not be used to fault those who act in good faith but can only substantially comply with the standards in light of scarce resources and other extenuating COVID-19 circumstances; and

WHEREAS, the “governor is responsible for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable under Section 418.173 by a fine not to exceed \$1,000, and may be subject to regulatory enforcement;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, and in accordance with guidance from DSHS Commissioner Dr. Hellerstedt and other medical advisors, the Governor’s Strike Force to Open Texas, the White House, and the CDC, do hereby order the following on a statewide basis effective at noon on June 26, 2020:

Every business establishment in Texas shall operate at no more than 50 percent of the total listed occupancy of the establishment; *provided, however, that:*

1. There is no occupancy limit for the following:
 - a. any services listed by the U.S. Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.1 or any subsequent version;
 - b. religious services, including those conducted in churches, congregations, and houses of worship;
 - c. local government operations, including county and municipal governmental operations relating to licensing (including marriage licenses), permitting, recordation, and document-filing services, as determined by the local government;
 - d. child-care services;
 - e. youth camps, including but not limited to those defined as such under Chapter 141 of the Texas Health and Safety Code, and including all summer camps and other daytime and overnight camps for youths; and
 - f. recreational sports programs for youths and adults;
2. Except as provided below by paragraph number 5, this 50 percent occupancy limit does not apply to outdoor areas, events, or establishments, except that the following outdoor areas or outdoor venues shall operate at no more than 50 percent of the normal operating limits as determined by the owner:
 - a. professional, collegiate, or similar sporting events;
 - b. swimming pools;
 - c. water parks;
 - d. museums and libraries;
 - e. zoos, aquariums, natural caverns, and similar facilities; and

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- f. rodeos and equestrian events;
3. This 50 percent occupancy limit does not apply to the following establishments that operate with at least six feet of social distancing between work stations:
 - a. cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade;
 - b. massage establishments and other facilities where licensed massage therapists or other persons licensed or otherwise authorized to practice under Chapter 455 of the Texas Occupations Code practice their trade; and
 - c. other personal-care and beauty services such as tanning salons, tattoo studios, piercing studios, hair removal services, and hair loss treatment and growth services;
4. Amusement parks shall operate at no more than 50 percent of the normal operating limits as determined by the owner;
5. For any outdoor gathering in excess of 100 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order;
6. For dine-in services by restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages, the occupancy limit shall remain at 75 percent until 12:01 a.m. on June 29, 2020, at which time such restaurants may only operate at up to 50 percent of the total listed occupancy of the restaurant, subject to paragraph number 9 below;
7. People shall not visit bars or similar establishments that hold a permit from the Texas Alcoholic Beverage Commission (TABC) and are not restaurants as defined above in paragraph number 6; provided, however, that the use by such bars or similar establishments of drive-thru, pickup, or delivery options for food and drinks is allowed to the extent authorized by TABC;
8. People shall not use commercial rafting or tubing services, including rental of rafts or tubes and transportation of people for the purpose of rafting or tubing;
9. For any business establishment that is subject to a 50 percent "total listed occupancy" limit or "normal operating limit," and that is in a county that has filed with DSHS, and is in compliance with, the requisite attestation form promulgated by DSHS regarding minimal cases of COVID-19, the business establishment may operate at up to 75 percent of the total listed occupancy or normal operating limit of the establishment;
10. For purposes of this executive order, facilities with retractable roofs are considered indoor facilities, whether the roof is opened or closed;
11. Staff members are not included in determining operating levels, except for manufacturing services and office workers;
12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, people should not be in groups larger than ten and should maintain six feet of social distancing from those not in their group;
13. People over the age of 65 are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the

- home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation;
14. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) should use good-faith efforts and available resources to follow the minimum standard health protocols recommended by DSHS;
 15. Nothing in this executive order or the DSHS minimum standards precludes requiring a customer to follow additional hygiene measures when obtaining services. Individuals are encouraged to wear appropriate face coverings, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering;
 16. People shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible; and
 17. For the remainder of the 2019-2020 school year, public schools may resume operations for the summer as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency (TEA). Private schools and institutions of higher education are encouraged to establish similar standards. Notwithstanding anything herein to the contrary, schools may conduct graduation ceremonies consistent with the minimum standard health protocols found in guidance issued by TEA.

Notwithstanding anything herein to the contrary, the governor may by proclamation add to the list of establishments or venues that people shall not visit.

This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts services allowed by this executive order, allows gatherings prohibited by this executive order, or expands the list or scope of services as set forth in this executive order. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

All existing state executive orders relating to COVID-19 are amended to eliminate confinement in jail as an available penalty for violating the executive orders. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.

This executive order supersedes Executive Order GA-26, but does not supersede Executive Orders GA-10, GA-13, GA-17, GA-19, GA-24, GA-25, or GA-27. This

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executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 26th
day of June, 2020.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT
Governor

ATTESTED BY:

Handwritten signature of Ruth R. Hughs in black ink.

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6:45am O'CLOCK

JUN 26 2020



DECLARATION OF EMERGENCY DIRECTIVE 027

WHEREAS, in late 2019, the United States Centers for Disease Control and Prevention began monitoring an outbreak of respiratory illness caused by a novel coronavirus first identified in Wuhan, Hubei Province, China; and

WHEREAS, on February 11, 2020, the International Committee on Taxonomy of Viruses named this novel coronavirus "severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);" and

WHEREAS, on February 11, 2020, the World Health Organization named the disease caused by SARS-CoV-2, "COVID-19;" and

WHEREAS, the World Health Organization advises that the novel coronavirus that causes COVID-19 virus is highly contagious, and spreads through respiratory transmission, and direct and indirect contact with infected persons and surfaces; and

WHEREAS, the World Health Organization advises that respiratory transmission occurs through both droplet and airborne transmission, where droplet transmission occurs when a person is within 6 feet of someone who has respiratory symptoms like coughing or sneezing, and airborne transmission may occur when aerosolized particles remain suspended in the air and is inhaled; and

WHEREAS, the World Health Organization advises that contact transmission occurs by direct contact with infected people or indirect contact with surfaces contaminated by the novel coronavirus; and

WHEREAS, some persons with COVID-19 may exhibit no symptoms but remain highly infectious; and

WHEREAS, on March 5, 2020, Clark County and Washoe County both reported the first known cases of COVID-19 in the State of Nevada; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 14, 2020, I formed a medical advisory team to provide medical guidance and scientifically based recommendations on measures Nevada could implement to better contain and mitigate the spread of COVID-19; and

WHEREAS, infectious disease and public health experts advised that minimizing interpersonal contact slows the rate at which the disease spreads, and is necessary to avoid overwhelming healthcare systems, commonly referred to as "flattening the curve"; and

WHEREAS, since the March 12, 2020 Declaration of Emergency, I have issued 25 Directives pursuant to that order to provide for the safety, wellbeing, and public health of Nevadans and the administration of the State of Nevada; and

WHEREAS, these Directives were promulgated to reduce interpersonal contact and promote social distancing to flatten the curve; and

WHEREAS, data showed that Nevada was one of the top five states in the United States for social distancing; and

WHEREAS, Nevada's medical experts indicate that the rate at which COVID-19 is spreading in the State of Nevada has effectively slowed to a level that does not jeopardize the state's healthcare system due, in part, to Nevadans following strict social distancing measures individually and pursuant to Directives I issued pursuant to the March 12, 2020, Declaration of Emergency; and

WHEREAS, although the danger to Nevadans from the COVID-19 disease has abated, the disease has not been eliminated and measures that protect safety, wellbeing, and public health of Nevadans must remain in effect; and

WHEREAS, on April 21, 2020, the National Governors Association issued guidance for a staged reopening that protects the public's health while laying a strong foundation for long-term economic recovery; and

WHEREAS, on April 30, 2020, I introduced the *Nevada United: Roadmap to Recovery* plan that outlined a phased approach to reopening Nevada businesses and industry; and

WHEREAS, the *Nevada United: Roadmap to Recovery* plan set forth a collaborative partnership between state and local governments that included the formation of the Local Empowerment Advisory Panel ("LEAP") to serve as a resource to local governments and local communities; and

WHEREAS, on May 9, 2020, the State of Nevada entered Phase One of the *Nevada United: Roadmap to Recovery* plan; and

WHEREAS, on May 29, 2020, the State of Nevada entered Phase Two of the *Nevada United: Roadmap to Recovery* plan; and

WHEREAS, prior to entering Phase Two, Nevada experienced a consistent and sustainable downward trajectory in the percentage of positive COVID-19 cases, a decrease in the trend of COVID-19 hospitalizations, and a decline in our cumulative test positivity rate from a maximum rate of 12.2% on April 24, 2020 to 6.3% on May 27, 2020 with a 33-day downward trend; and

WHEREAS, infection diseases scientists and experts advise that "masks indisputably protect individuals against airborne transmission of respiratory diseases;" and

WHEREAS, infection diseases scientists and experts advise that "universal masking at 80% adoption [] flattens the curve significantly more than maintaining a strict lock-down," and "masking at only 50% adoption [] is not sufficient to prevent continued spread" of COVID-19; and

WHEREAS, the Governor's COVID-19 Medical Advisory Team advises that "a mouth-and-nose lockdown is far more sustainable than a full-body lockdown;" and

WHEREAS, on June 24, 2020, I signed Directive 024, requiring the use of face coverings in public spaces; and

WHEREAS, the State of Nevada has not yet achieved 80% compliance with face covering use requirements in all locations of business and in all public spaces; and

WHEREAS, as of July 2, 2020, the State of Nevada has one of the highest coronavirus transmission rates in the nation; and

WHEREAS, the State of Nevada is experiencing an increasing trend of hospitalizations since June 27, 2020 for confirmed COVID-19 cases and for positive test results since June 14, 2020; and

WHEREAS, NRS 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

WHEREAS, NRS 414.070 outlines additional powers delegated to the Governor during the existence of a state of emergency, including without limitation, enforcing all laws and regulations relating to emergency management and assuming direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State; providing for and compelling the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons; and performing and exercising such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, the Nevada Attorney General opined in Opinion Number 95-03 that in times of emergency when the Governor's authority under Nevada Revised Statutes Chapter 414 is in effect, the powers of political subdivisions to control business activity is limited; and

WHEREAS, NRS 414.060(3)(f) provides that the administrative authority vested to the Governor in times of emergency may be delegated; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides: "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada;" and

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020, Emergency Declaration,

IT IS HEREBY ORDERED THAT:

SECTION 1:	To the extent this Directive conflicts with earlier Directives or regulations promulgated pursuant to the March 12, 2020 Declaration of Emergency, the provisions of this Directive shall prevail.
	Consistent with the <i>Nevada United: Roadmap to Recovery</i> plan for a federally supported, state managed, and locally executed reopening approach, county

SECTION 2:	governments and local municipalities are hereby delegated the authority to impose additional COVID-19 related restrictions on businesses and public activities. Restrictions imposed by county governments or local municipalities may exceed the standards imposed by Declaration of Emergency Directives or set forth under the LEAP guidelines, but in no case shall county-guidelines be more permissive than the provisions of this Directive.
SECTION 3:	Businesses may adopt practices that exceed the standards imposed by Declaration of Emergency Directives, guidelines promulgated by the Nevada State Occupational Safety and Health Administration (NV OSHA) or LEAP guidelines, but in no case shall business practices be more permissive than the provisions of this Directive or those imposed by NV OSHA and the LEAP.
SECTION 4:	Section 17 (1) of Directive 018 is hereby amended to limit seating to parties not greater than 6.
SECTION 5:	Directive 021, Section 25 is hereby rescinded. Restaurants and food establishments, and bars, pubs, taverns, breweries, distilleries, and wineries licensed to serve food in a restaurant-type setting, whether or not in a restricted or nonrestricted gaming establishment, shall operate under the Phase One conditions set forth in Section 17 of Directive 018, as amended above, when located in a county with an Elevated Disease Transmission and according to the criteria published by the Department of Health and Human Services. Bar tops and bar areas in any establishment in a county with an Elevated Disease Transmission and according to the criteria published by the Department of Health and Human Services shall be closed to customers, but bar beverages may be served at tables for onsite consumption. Customers must only be served via table services and may not order from bar top areas.
SECTION 6:	Directive 021, Section 26 is hereby rescinded. Bars, pubs, taverns, breweries, distilleries, and wineries in a county with an Elevated Disease Transmission, and according to the criteria published by the Department of Health and Human Services, not licensed to serve food shall close and remain closed as required by Section 18 of Directive 18, expanded to include these same establishments located in restricted or nonrestricted gaming establishment, while offering curbside delivery and home delivery where permitted by local code or ordinance, as outlined in the same section of Directive 18. In nonrestricted gaming establishments, this Section shall not be interpreted to prohibit employees from making drinks behind the bar top or to prohibit cocktail servers from collecting and distributing such drinks to patrons seated at tables, machines, etc.
SECTION 7:	All establishments licensed to serve food are strongly encouraged to utilize outdoor seating to the maximum extent practicable.
SECTION 8:	Counties to include the consolidated municipality of Carson City, and political subdivisions, are strongly encouraged to adopt measures, including without limitation, code variances, modifications to sidewalk usage regulations, or closure of roadways to vehicular traffic, to expand outdoor dining opportunities to the greatest extent practicable.
SECTION 9:	Pursuant to NRS 414.060(3)(f), I hereby authorize all local, city, and county governments, and state agencies to enforce this Directive and regulations promulgated thereunder, including but not limited to, suspending licenses, revoking licenses, or issuing penalties for violating business, professional, liquor, tobacco, or gaming licenses issued by the local jurisdiction for actions that jeopardize the health, safety, or welfare of the public; conduct which may injuriously affect the public

	health, safety, or welfare; conduct that may be detrimental to the public peace, health, or morals; or any other applicable ordinance or requirement for such a license. Additional, more restrictive measures, adopted by any county or municipality may be implemented without additional approval by the State.
SECTION 10:	The Nevada Gaming Control Board is hereby authorized to investigate and to enforce this Directive as necessary, including, but without limitation, pursuing disciplinary action to limit, condition, suspend, and/ or revoke a gaming license, and/ or impose a monetary fine against any licensee, in accordance with the procedures of the Nevada Gaming Control Act and Nevada Gaming Commission Regulations, for any licensee's failure to follow this Directive.
SECTION 11:	The State of Nevada shall retain all authority vested in the Governor pursuant to NRS Chapter 414.
SECTION 12:	This Directive is effective at 11:59 p.m. on Friday, July 10, 2020 and shall remain in effect until terminated by a subsequent Directive promulgated pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic.

DECLARATION OF EMERGENCY DIRECTIVE 027 ORDERS



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 10th day of July, in the year two thousand twenty.


Governor of the State of Nevada


Secretary of State


Deputy Secretary of State

[Guidance on Elevated Disease Transmission Criteria 07-10-2020](#)

[Elevated Disease Transmission Tracker 07-10-2020](#)

Executive

Governor

Lt. Governor

Secretary of State

Attorney General

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State Controller

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Consumer Affairs

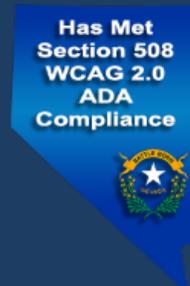
Weather Alerts

211- Service Information

511 - Road Conditions

911 - Emergency Help

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Please take 2 minutes to complete our COVID-19 survey

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County variance info

Last updated July 14, 2020 at 1:47 PM

County data monitoring

California is [monitoring COVID-19 closely](#) in each local community and keeping the public informed. We're teaming up with counties to fight it with every tool we have: [current local data](#), testing, contact tracing, infection control, emergency supplies, containment measures, and more.

Counties should be ready to restore limitations if outbreaks increase. The State Public Health Officer may take action if needed.

Effective July 13, 2020, ALL counties must close indoor operations in these sectors:

- Dine-in restaurants

- Wineries and tasting rooms
- Movie theaters
- Family entertainment centers (for example: bowling alleys, miniature golf, batting cages and arcades)
- Zoos and museums
- Cardrooms

Additionally, bars, brewpubs, breweries, and pubs must close all operations both indoor and outdoor statewide, unless they are offering sit-down, outdoor dine-in meals. Alcohol can only be sold in the same transaction as a meal.

Counties that have remained on the County Monitoring List for 3 consecutive days will be required to shut down the following industries or activities unless they can be modified to operate outside or by pick-up.

- Fitness centers
- Worship services
- Protests
- Offices for non-essential sectors
- Personal care services, like nail salons, body waxing and tattoo parlors
- Hair salons and barbershops
- Malls

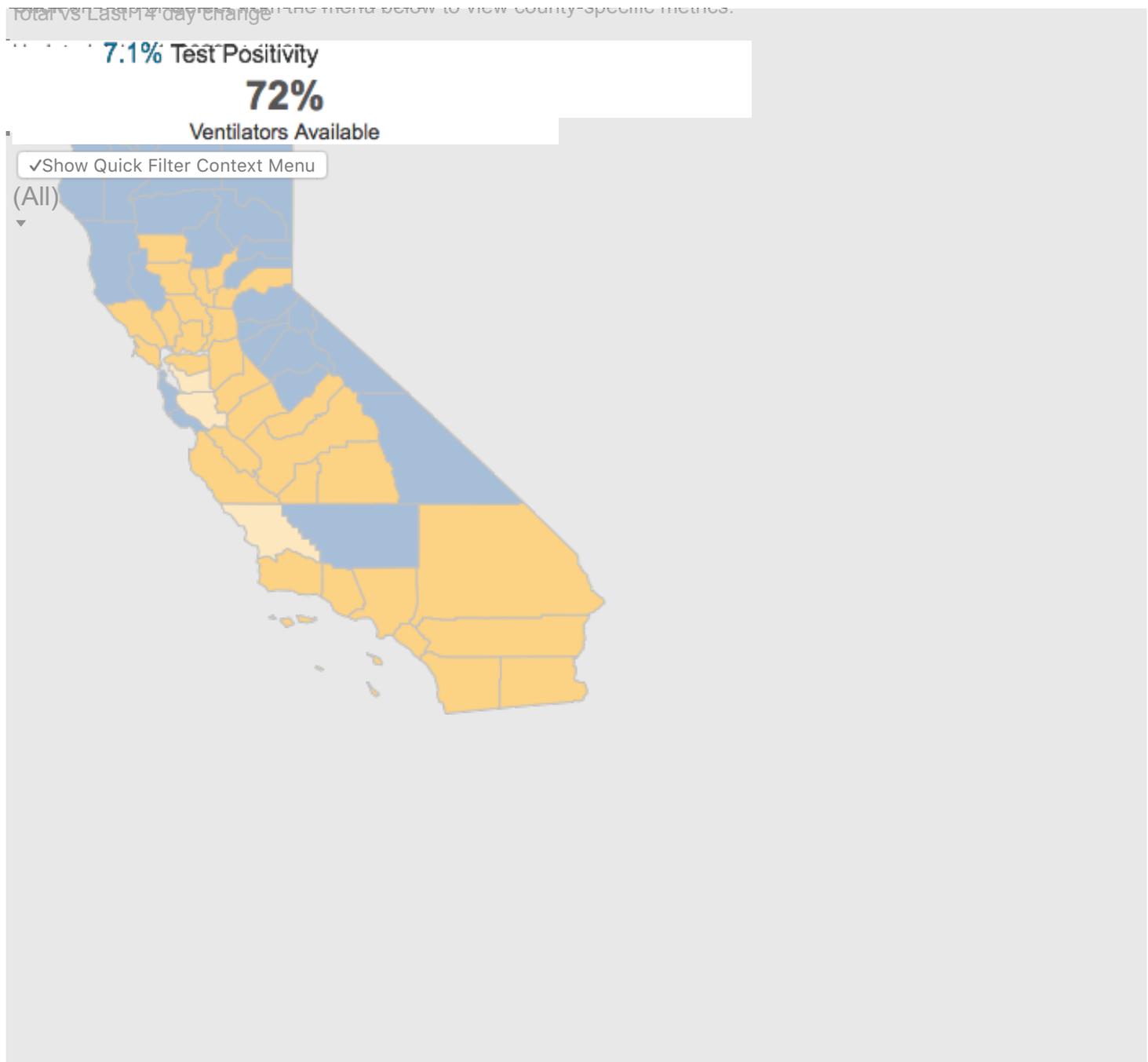
The following counties have remained on the County Monitoring List for 3 consecutive days:

Affected counties as of 7/13/20



The State Public Health Officer may take additional action if needed.

Track county data and monitoring status



What is allowed to open in my county?

Use the map above to see which category your county falls into.
See [guidance for each of the mentioned industries](#).

For attested counties not on Monitoring List



For counties on Monitoring List for 3 consecutive days



County attestation process

Local health jurisdictions that meet the criteria set forth by the California Department of Public Health and follow the process in the [county guidance](#) may move further ahead in the [Resilience Roadmap](#).

If a county decides to pursue a variance to move further ahead in the Resilience Roadmap, the local public health officer must:

1. Notify the California Department of Public Health (CDPH).
2. Certify through submission of a written attestation to CDPH that the county has met the readiness criteria (outlined below), including guidance to be issued by the county and detailed plans, and that the county is designed to mitigate the spread of COVID-19.

See the [list of counties](#) that have met the criteria.

The three steps below outline the county data monitoring process.



STEP 1:

**Active Data
Monitoring**



STEP 2:

**Targeted
Engagement
with CDPH**



STEP 3:

**Reinstitute
Community
Measures**

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COVID-19 hotline: [1-833-422-4255](tel:1-833-422-4255) M-F 8AM-8PM, Sa-Su 8AM-5PM

Official California State Government Website

CITY OF MOSCOW
DATE & HOUR
7-1-2020 2:45 pm
HENRIANNE K. WESTBERRY
LATAH COUNTY RECORDER
FEE \$ 0 BY: S. Chapman

THE CITY OF MOSCOW

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03

FACE COVERINGS AND 6 FOOT SOCIAL/PHYSICAL DISTANCING

July 1, 2020

- WHEREAS**, the health and safety of all citizens of the city of Moscow is the greatest priority and is of the utmost importance of the Mayor and City Council; and
- WHEREAS**, the coronavirus (hereinafter, COVID-19), is a respiratory disease caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person, which can result in serious illness or death thereby threatening widespread and/or severe damage to life or property thereby creating an “emergency” as defined by Idaho Code § 46-1002; and
- WHEREAS**, the Centers for Disease Control and Prevention (hereinafter “CDC”) identifies the potential public health threat posed by COVID-19 both globally and in the United States as “high”, and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and
- WHEREAS**, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak a “public health emergency of international concern”; and
- WHEREAS**, on January 31, 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19; and
- WHEREAS**, on March 11, 2020, The World Health Organization (WHO) made the assessment that COVID-19 can be characterized as a pandemic; and
- WHEREAS**, on March 13, 2020, the Idaho Governor Brad Little, pursuant to Idaho Code § 46-1008, declared a state of emergency due to COVID-19, which is still in effect; and
- WHEREAS**, on March 13, 2020, the President of the United States issued an emergency declaration for the country in response to the increasing number of COVID-19 cases within the U.S., which is still in effect; and
- WHEREAS**, on March 13, 2020, Moscow Mayor Bill Lambert issued a Local Emergency Proclamation, declaring a local disaster emergency due to the occurrence and imminent threat to public health and safety arising from the effects of the 2019 novel coronavirus (COVID-19), pursuant to Idaho Code § 46-1011 and other relevant sections of Idaho Code; and

- WHEREAS,** on March 16, 2020, the Moscow City Council adopted Resolution 2020-05, authorizing continuation of Mayor Lambert’s Local Emergency Proclamation until May 5, 2020; and
- WHEREAS,** on March 20, 2020, the Council for the city of Moscow adopted an ordinance enacting a new Chapter 11 to Title 1 of the Moscow City Code, setting forth the authority, purpose, and intent of emergency powers to address the threat of COVID-19; and
- WHEREAS,** on March 20, 2020, Mayor Lambert issued the first Public Health Emergency Order No. 20-01, instituting regulations regarding mass gatherings, restaurants and bars to help prevent the spread of COVID-19; and
- WHEREAS,** on March 20, 2020, the City Council extended such Public Health Emergency Order No. 20-01 to May 5, 2020, to provide for the ongoing threat to public life and property; and
- WHEREAS,** on March 24, 2020, Moscow Mayor Bill Lambert proclaimed and declared Public Health Emergency Order No. 20-02 prohibiting gatherings in groups of more than ten (10) persons within a facility, which also applied to educational institutions, expressive and associative activities, including assembly, and church and religious organization activities; and
- WHEREAS,** on March 25, 2020, Governor Brad Little issued a proclamation declaring that there existed an extreme emergency within the State of Idaho and through a press conference declared he was issuing a statewide stay-home order; and
- WHEREAS,** on March 25, 2020, pursuant to Idaho Code § 56-1003(7), Idaho Department of Health and Welfare Director, Dave Jeppesen, issued an Order to Self-Isolate for all individuals living in Idaho, at the direction of Governor Brad Little, to fight the community spread of COVID-19 that had been confirmed in Idaho. The Order was effective until April 15, 2020, subject to be extended, rescinded, superseded, or amended. The isolation order was issued based on advice and direction of state, federal and local public health experts; and
- WHEREAS,** on March 26, 2020, it was deemed necessary by the City Council to extend such Public Health Emergency Order No. 20-02 to May 5, 2020, to provide for the ongoing threat to public life and property, and the Council wished to continue to be proactive and help reduce the spread of COVID-19 and to encourage our community members and community businesses to do their part to prevent and limit the spreading of COVID-19; and
- WHEREAS,** on April 15, 2020, Idaho Department of Health and Welfare Director, Dave Jeppesen, amended the Order to Self-Isolate issued on March 25, 2020, providing

additional guidance regarding travel into Idaho, regarding certain businesses, and extending the Self-Isolation Order until April 30, 2020; and

WHEREAS, on April 22, 2020, Governor Little issued a proclamation declaring an extreme emergency within the State of Idaho and declaring the state of emergency proclamation issued on March 13, 2020 and extended on March 25, 2020, continues to be in effect and is extended for a period of thirty (30) days unless terminated, modified or extended; and

WHEREAS, on April 30, 2020, Governor Little and Director Jeppesen of the Idaho Department of Health and Welfare, issued the “Stay Healthy Order” effective as of 12:00 a.m. May 1, 2020, implementing Stage 1 of the Governor’s Idaho Rebound plan, and which can be found on the website: rebound.idaho.gov. Governor Little’s plan is one of utilizing a four-staged approach to reopening Idaho and its economy, whereby specific criteria must be met before Idaho advances to the next stage of reopening. The Idaho Division of Public Health and the Governor’s Coronavirus Working Group will review the criteria every two weeks to assess if criteria are met, or continue to be met, so Idaho can move to the next stage; and

WHEREAS, the Council and Mayor have supported the Governor’s guidelines and plans for systematically assessing existing conditions and slowly lifting the current regulations in place through the Stay Healthy Order and the now Stay Healthy Guidelines, and to utilize the proposed staged approach for reopening Idaho; and

WHEREAS, the Council and Mayor permitted the Mayor’s Proclamation of Local Disaster Emergency as modified by Resolution 2020-05, and the Public Health Emergency Orders 20-01 and 20-02 to terminate on May 1, 2020, to avoid any confusion in light of the Stay Health Order in effect for all of Idaho at that time; and

WHEREAS, on June 24, 2020, Washington Secretary of Health, John Wiesman, issued Order 20-03, an order for all of Washington state which requires all individuals to wear a face covering that covers their nose and mouth when in any indoor and outdoor public space when the 6-foot physical distancing is not possible, with limited exceptions; and

WHEREAS, on June 26, 2020, the District Board of Central District Health, State of Idaho, issued an emergency quarantine order pursuant to Idaho Code § 56-1003(7), IDAPA 16.02.10.065.09, Idaho Code § 39-415 and § 67-5247, for Ada County bars and nightclubs open to the public for on-site consumption of beverages, be placed under quarantine and must remain closed to on-site consumption; prohibits large venue gatherings; requires six foot physical distancing from non-household members, and makes any violation of said order a misdemeanor pursuant to Idaho Code § 56-1003(7)(c); and

- WHEREAS,** on June 29, 2020, Whitman County, which is located at the western Moscow City limits, reported it has 38 confirmed cases of COVID-19; and
- WHEREAS,** on June 29, 2020, Spokane County, which is located less than 79 miles from Moscow, reported it has 1,344 confirmed cases of COVID-19; and
- WHEREAS,** on June 30, 2020, the state of Idaho reported 6,117 confirmed and probable cases of COVID-19, 261 of which are located in Kootenai County and where Kootenai County has been identified as a “hotspot” by the Idaho Department of Health and Welfare, which is located less than 80 miles to the north of Moscow; and
- WHEREAS,** on June 30, 2020, Latah County has 16 confirmed cases and 5 probable cases of COVID-19; and
- WHEREAS,** on June 30, 2020, The Idaho North Central District, which includes Clearwater County, Idaho County, Latah County, Lewis County and Nez Perce County is reporting a total of 121 confirmed and probable cases of COVID-19 and
- WHEREAS,** the Department of Health and Human Services Centers for Disease Control (“CDC”) is reporting that as of June 30, 2020, the United States has 2,581,229 confirmed cases of COVID-19, and 126,739 total deaths; and
- WHEREAS,** Idaho is currently in Stage 4 of Governor Little’s Idaho Rebound Plan, which no longer has any mandatory requirements as the previous Stay Healthy Orders; and
- WHEREAS,** Governor Little has stated on numerous occasions due to Idaho’s diverse and expansive state, and that not all counties have confirmed cases of COVID-19, he is not mandating statewide face coverings or physical distancing for non-household members and is trusting and encouraging local officials to take any measures they deem necessary and appropriate to protect their community; and
- WHEREAS,** both the CDC, the federal government, and the Idaho Department of Health and Welfare and the Idaho North Central Health District have recommended practices to prevent the rapid spread of COVID-19, including maintaining six (6) feet of physical distancing from non-household members and the wearing of face coverings when in public settings and the six feet of physical distancing from others cannot reliably be maintained. The policies, along with other information, are available on the CDC’s official COVID-19 website. (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>); and
- WHEREAS,** the spread of COVID-19 continues to threaten the life and health of the public and public health is imperiled by the person-to-person spread of COVID-19, and the reduction of opportunities for the person-to-person transmission of COVID-19 is necessary to combat the spread of the disease; and
- WHEREAS,** the City, as a municipal corporation of the State of Idaho, has the authority to exercise all powers and perform all functions of local self-government in city affairs

that are not in conflict with the general laws or the constitution of the state of Idaho (I.C. § 50-301); and

WHEREAS, the City is empowered to make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the laws of the state of Idaho as may be expedient, in addition to the special powers in this act granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry (I.C. § 50-302); and

WHEREAS, under Moscow City Code section 2-1-7 and Idaho Code § 50-304, the City may pass all ordinances and make all regulations necessary to preserve the public health; prevent the introduction of contagious diseases into the city; make quarantine laws for that purpose and enforce the same within five (5) miles of the city; and

WHEREAS, under Idaho Code § 50-606, the Mayor shall have such jurisdiction as may be vested in him/her by ordinance over all places within five (5) miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulation thereof, and shall have jurisdiction in all matters vested in him/her by ordinance, except taxation, within one (1) mile of the corporate limits of said city and over such properties as may be owned by the city without corporate limits; and

WHEREAS, the city of Moscow has had 3 restaurants voluntarily close for self-quarantine due to a staff member having tested positive for COVID-19 and/or having been exposed to someone who tested positive for COVID-19; and

WHEREAS, the risk of community spread throughout the city of Moscow is a continued threat, especially due to our unique location in Idaho and our close proximity to states and locations where there is a large number of confirmed COVID-19 cases and evidence of community spread; and

WHEREAS, the rapid spread of COVID-19 to date requires a more aggressive proactive response in order to protect the public and resources to address the supply issues we as a city, state and nation currently face.

NOW, THEREFORE, I, Bill Lambert, Mayor of the City of Moscow, Idaho, by virtue of the authority vested in me by Moscow City Code Title 1-11-05(B), and the common law authority to protect the public in the event of an emergency, in order to encourage and enforce Social/Physical Distancing of non-household members and reduce the potential for spread of the COVID-19 virus, hereby order as follows:

1. Every person in the city of Moscow must wear a face covering that covers their nose and mouth when in any indoor or outdoor public setting where the 6-foot physical distancing is not able to be maintained with non-household members, except as follows:
 - a. This Order does not apply to children under 5 years old, however, with the assistance and close supervision of an adult the City strongly recommends

- children wear face coverings when in public spaces where the 6-foot physical distancing cannot be maintained;
- b. This Order does not apply to persons with a medical condition, mental health condition, or disability that prevents wearing a face covering;
 - c. This Order does not apply to those who are incarcerated;
 - d. Individuals may remove their face covering when in a public setting under the following circumstances:
 - i. While at a restaurant, at an establishment or location that allows or offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least 6-feet from other guests or other non-household members;
 - ii. When any party to a communication is deaf or hard-of-hearing and not wearing a face covering is essential to communication;
 - iii. While obtaining a health or personal service that requires temporary removal of the face covering;
 - iv. When necessary to confirm a person's identity; and
 - v. When local, state or federal law prohibits wearing a face covering or requires the removal of a face covering.
2. Every person in the city of Moscow, when in places that are open to the public, shall maintain 6-foot physical distancing from a non-household member, whenever possible.
3. Definitions.
- a. "Household Members" are defined as people who reside in the same residence regardless of familial relation and people who enter a residence to provide a caretaking function.
 - b. "Public Setting" is defined as any place that is open to the public.
4. If this Order and any action of any other agency or official are in conflict, the more protective and most restrictive requirement must be followed, unless prohibited by a state or federal statute or rule.
5. **Exemptions.** Nothing in this order shall constrain the duties and powers of the City, the Mayor, or other governmental agencies.
6. **Penalty.** In accordance with Moscow City Code Section 1-11-10, any person who knowingly violates the provisions of this order may be charged with a misdemeanor. The maximum penalties for this offense are up to 6 months in the county jail and a \$1,000 fine.

This Emergency Order shall take effect at 12:00 a.m. on July 2, 2020, and shall remain in full force and effect for seven (7) days, subject to be extended by City Council through Resolution unless it is terminated or modified at an earlier date.

IN WITNESS WHEREOF, I have hereunto set my hand on this 1ST day of July, 2020.

Bill Lambert

Bill Lambert, Mayor



Laurie M. Hopkins

Laurie M. Hopkins, City Clerk

PUBLIC HEALTH EMERGENCY ORDER No. 20-10

FACE COVERINGS - REQUIRED

July 2, 2020

WHEREAS, on March 11, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 (coronavirus) a pandemic, and on March 13, 2020, the President of the United States issued an emergency declaration for the country in response to the increasing number of COVID-19 cases within the U.S.; and

WHEREAS, on March 13, 2020, Idaho Governor Brad Little signed a declaration of emergency for the State of Idaho in response to concerns that cases of COVID-19 are imminent in Idaho; and

WHEREAS, on March 16, 2020, the Mayor of the city of Boise City ("Boise City"), Lauren McLean, declared a local disaster emergency, as per the Disaster Preparedness Act (Title 46, Chapter 10 of the Idaho Code), in Boise City due to the threat that COVID-19 poses to the health and welfare of the residents of Boise City, and on March 17, 2020, the Boise City Council ratified and extended the Declaration of Emergency; and

WHEREAS, on March 17, 2020, and repealed and replaced in full on April 7, 2020, the Council for Boise City adopted an ordinance enacting a new Chapter 15 to Title 1, setting forth the authority, purpose, and intent of emergency powers to address the threat of COVID-19; and

WHEREAS, beginning on March 25, 2020, Governor Little, by way of the Idaho Department of Health and Welfare Order of the Director, issued multiple state-wide orders, all with the purpose of protecting the health, safety, and welfare of the citizens of Idaho.

WHEREAS, on June 11, 2020, Governor Little entered, in conjunction with the Idaho Department of Health and Welfare Guidelines of the Director, guidelines titled, State of Idaho, Idaho Department of Health and Welfare Stay Healthy Guidelines, with an effective date of June 13, 2020, providing guidelines for reopening certain businesses and permitting certain activities in Stage 4 of the State's reopening plan ("Stay Healthy Guidelines - Stage Four");

WHEREAS, the risk of community spread throughout the Boise City impacts the life and health of the public, and imperils public health by the person-to-person spread of COVID-19, it is, therefore, necessary to reduce opportunities for the person-to-person transmission of COVID-19 to combat the spread of the disease; and

WHEREAS, both the Department of Health and Human Services Centers for Disease Control and Prevention ("CDC") and the White House have recommended practices to prevent the rapid spread of COVID-19. The recommendations include that people wear cloth face coverings in public settings, especially when other social distancing measures are difficult to maintain; and

WHEREAS, as of June 22, 2020, test results at both Boise City wastewater treatment facilities show an increased presence of SARS-CoV-2 virus in wastewater units per liter; and

WHEREAS, on June 22, 2020, Central District Health Director, Mr. Russ Duke, issued an Order Regarding Quarantine and Restriction, and entitled "Order of the District Board of Health, Central District Health, State of Idaho," which was reissued on June 26, 2020 ("CDH Order: Quarantine and Restriction"); and

WHEREAS, on June 23, 2020, the Mayor of Boise, Lauren McLean, issued Public Health Emergency Order No. 20-09, Closure of Bars; Group Size Limitation; and Airport and Public Meeting Restrictions, which was amended on June 25, 2020, to provide clarity around the entities required to close, as well as new requirements for public meetings ("Amended Emergency Order 20-09"); and

WHEREAS, as of June 15, 2020, CDH reports a significant increase in confirmed cases of COVID-19 in Ada County, most recently reporting, 226 new cases on June 29, 102 new cases on June 30, and 109 new cases on July 1, indicating significant community spread; and

WHEREAS, there is a continuing and urgent need to protect all residents, employees, and visitors in the city of Boise from the risks relating to the COVID-19 pandemic through the protection provided by wearing facial coverings; and

WHEREAS, the Mayor of Boise City, Lauren McLean, finds it necessary to implement certain requirements to build on and strengthen the strategy set forth in the CDH Order: Quarantine and Restriction, Stay Healthy Guidelines- Stage Four and Amended Emergency Order 20-09 to protect the health, safety, and welfare of the citizens of Boise City by mitigating any negative repercussions of reopening the community due to Boise City's large population, size, and scope of Boise City services offered, and status as the State of Idaho's business and transportation hub.

NOW, THEREFORE, I, Lauren McLean, Mayor of Boise City, Idaho, by virtue of the authority vested in me by Boise City Code Sections 1-15-05 and 1-15-08, Idaho Code Title 50, Chapters 3 and 6, and Article XII, Section 2 of the Idaho Constitution, to protect the public hereby issue this Emergency Order 20-10:

Section 1. Face Coverings Required. Every person, shall, when in any indoor or outdoor public place, completely cover their nose and mouth, when members of the public are physically present for otherwise unprotected social interaction.

a. **DEFINITIONS:** For purposes of this Public Health Emergency Order "public place" shall mean any place open to all members of public without specific invitation, including but not necessarily limited to, retail business establishments, government offices, medical, educational, arts and recreational institutions, public transportation, including taxi cabs and ridesharing vehicles. "Members of the public" shall mean persons not therein employed, present without invitation.

b. **EXEMPTIONS:**

i. Children under the age of five (5).

- ii. Persons who cannot medically tolerate wearing a face covering. A person is not required to provide documentation demonstrating that the person cannot medically tolerate wearing a face covering.
- iii. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- iv. Persons, including on-duty first responders, for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- v. Persons who are obtaining a service involving the nose, face, or head for which temporary removal of the face covering is necessary to perform the service.. Persons who are eating or drinking at a restaurant or other establishment that offers food or beverage service, so long as the person is able to maintain a distance of 6 feet away from persons who are not members of the same household or party as the person.
- vi. Outdoor public places where people can employ social distancing as recommended by CDC.
- vii. Indoor recreational facilities (i.e., gyms and fitness facilities) where people can employ social distancing as recommended by the CDC.

Section 2. Penalty and Enforcement. Individuals and businesses within Boise City are urged to voluntarily comply with this Emergency Order No. 20-10. Boise City will make efforts to educate individuals and businesses to achieve compliance. In accordance with Boise City Code Section 1-15-10, any person who knowingly violates the provisions of this Emergency Order No. 20-10 shall be guilty of a misdemeanor, punishable by fine, imprisonment, or both.

Section 3. Governing Language. To the extent this Emergency Order No. 20-10 is more stringent than the a) Stay Healthy Guidelines – Stage Four, b) the CDH Order: Quarantine and Restriction, or c) Amended Emergency Order No. 20-09, the language of this Emergency Order No. 20-10 shall govern.

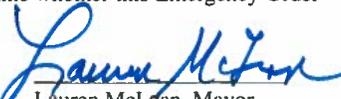
Section 4. Costs. No person shall be entitled to recover from Boise City any costs incurred, or profits lost, as may be attributed to the enactment of this Emergency Order No. 20-10.

Section 5. Severability. To the extent any provision of this Emergency Order No. 20-10 or its application to any person or business is held to be invalid, the remainder of this Emergency Order No. 20-10, including any application thereof, shall remain in full force and effect. To this end, provisions of this Emergency Order No. 20-10 are severable.

Section 6. Other Public Health Emergency Orders. To the extent not inconsistent with this Emergency Order 20-10, previously issued Amended Emergency Order 20-09 shall remain in full force and effect.

Section 7. Effective Date. This Emergency Order No. 20-10 shall take effect at 12:01 a.m. on July 4, 2020, and remain in full force and effect pursuant to the provisions of Boise City Code Section 1-15-6 (E) unless it is terminated, modified or extended at an earlier date. In anticipation of the Governor, or CDH Director issuing future Stay Healthy Guidelines or Orders,

the Mayor, in consultation with CDH and local healthcare providers, will monitor the state of Boise City pursuant to the gating criteria outlined at <https://rebound.idaho.gov/>, specifically the syndromic, epidemiologic, and healthcare indicators to determine whether this Emergency Order No. 20-10 should be amended, modified or terminated.


Lauren McLean, Mayor

7.2.20
Dated

Updated July 7 at 1:22 pm.

Americans who live in 20 states — over one third of the country — should not be traveling right now, according to the Harvard Global Health Institute’s [risk-assessment map](#), which shows a growing number of states surpassing the thresholds for allowing non-essential travel.

According to [CDC guidelines](#), you should reconsider traveling if COVID-19 is spreading where you live. “Even if you don’t have symptoms, you can spread COVID-19 to others while traveling,” says the CDC’s travel page.

The HGHI’s color-coded map provides a simple way for Americans to assess that risk. Each state has a rating of green, yellow, orange or red, based upon the number of new daily cases of COVID-19 per 100,000 people over a seven-day rolling average. The tool also lets you drill down to the county level.

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Road Trip Alert: The List Of States With Travel Quarantines Keeps Growing

Cabo San Lucas Welcomes Back Tourists With A Focus On Creative Social Distancing

Australia: New Coronavirus Lockdown Melbourne Amid Sex, Lies, Quarantine Hotel Scandal

Based on data from site’s last update on Monday, July 6, four states — Arizona, Florida, South Carolina and Louisiana — are colored red, which means they have 25 or more new positive COVID-19 cases

every day per 100,000 people. The red states are “at a tipping point,” as defined by HGHI. Any community with such a high infection rate should be under stay-at-home orders, according to the Harvard researchers.

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Road Trip Alert: Travel To Or Through These States Can Mean You Need To Self-Quarantine

By Suzanne Rowan Kelleher



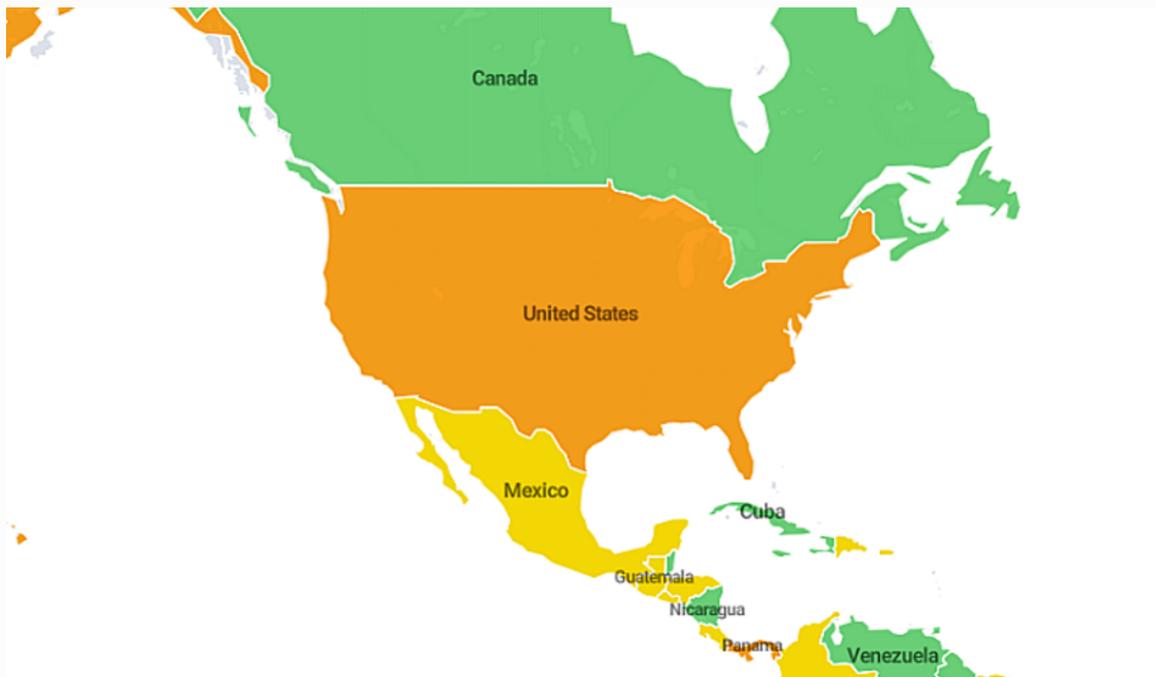
Sixteen states are colored orange, which means they have 10 or more new daily positive COVID-19 cases per 100,000 people over a seven-day rolling average. These states include Georgia, Texas, Nevada, Mississippi, Alabama, Tennessee, Arkansas, California, Idaho, Utah, North Carolina, Delaware, Iowa, Kansas, Oklahoma and New Mexico. These orange states are experiencing an “accelerated spread” of COVID-19, with “stay-at-home orders and/or test and trace programs advised.”

Mind you, living in a high-risk state may make you *persona non grata* elsewhere. The states colored red and orange meet the criteria laid out in the [tri-state travel advisory](#) that requires visitors from high-risk states to quarantine for 14 days upon entering New York, New Jersey and Connecticut.

States labeled yellow on the map are not in the clear. Yellow means there is between one and nine new cases of COVID-19 each day per 100,000 people, which still signifies community spread.

Somewhat alarmingly, there is only one green state on the map: Vermont. Green indicates less than one daily new case of COVID-19 per 100,000 people, the goal metric that means the disease is not spreading and the community is “on the path to containment.”

We are failing the COVID-19 test when compared to our North American neighbors. Overall, the U.S. has 15 new cases of COVID-19 per day, on average, per 100,000 people. Comparatively, Mexico has 4.4 cases and Canada has attained a sterling 0.9 cases per 100,000 people. The data tells the story of why Canada has [decided to keep the border closed](#) for now.



While the US struggles, Canada, Cuba and Venezuela have managed to conquer COVID-19.
HARVARD GLOBAL HEALTH INSTITUTE

The researchers at HGHI conclude that the state-by-state patchwork of half-measures has not worked and is not working. “Unless and until there is a whole of government response, with measurable progress communicated similarly and regularly across every state

and locality, U.S. leaders will be left to react to the chaos of the virus — rather than being able to more effectively target interventions to suppress it,” said Beth Cameron, Vice President for Global Biological Policy and Programs at the Nuclear Threat Initiative and a member of the [COVID-Local.org](#) team, in a statement.

“Local leaders need and deserve a unified approach for suppressing COVID-19, with common metrics so that they can begin to anticipate and get ahead of the virus, rather than reacting to uncontrolled community spread,” said Cameron.

Travelers should also consider that COVID-19 is spreading along US interstates, according to [research from Policylab at Children’s Hospital of Philadelphia \(CHOP\)](#). “Travel is certainly a huge driving factor,” wrote the researchers. “We see spread along I-80 between central Illinois and Iowa, as well as along the I-90 corridor across upstate New York.” There is also a rise in cases along the I-95 corridor, in cities such as Wilmington, Delaware, and Baltimore.

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- [Chicago Emergency Travel Order: Visitors From 15 States Must Quarantine For 14 Days Or Get Tested For COVID-19](#)

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Suzanne Rowan Kelleher

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BONNER COUNTY SHERIFF'S OFFICE

Daryl Wheeler, Sheriff • Ror Lakewold, Undersheriff

April 2, 2020

Dear Governor Little:

There is a letter circulating around the nation in response to the COVID-19 crisis written by businessman Alfie Oakes. It brings up and questions many important points: 1) The reliability of the information disseminated by the World Health Organization; 2) Our response to that information; 3) The cause and effect devastation caused by our response; and 4) Our responsibility to change course.

In the spirit of changing the course, I am urging you to call up the full Idaho Legislature and assemble them for an emergency meeting in Boise to discuss these points. I do not believe that suspending the Constitution was wise, because Covid-19 is nothing like the Plague. We were misled by some Public Health Officials, and now it is time to reinstate our Constitution.

On Tuesday, Texas Gov. Greg Abbott changed his state's course by signing an executive order, giving churches back their right to assemble. In the spirit of liberty and the Constitution, you can request those that are sick to stay home, but, at the same time, you must release the rest of us to go on with our normal business.

Sincerely,

A handwritten signature in blue ink that reads "Daryl Wheeler".

Sheriff Daryl Wheeler

See attached copy of Alfie Oakes' letter.

Below is a letter written on March 24, 2020 by Alfie Oakes, son of organic farmer Frank Oaks, founder of the organic general store, Food and Thought in Naples, FL. He writes:

Because of the magnitude of this unprecedented event I have decided to come out publicly to share my thoughts. I am not doing this for personal gain or attention, only to give others a different perspective from what we are hearing in the media.

I 100% totally agree that this is a terrible health crisis, I am not pretending to know the outcome, I will only be stating the facts.

Many people that have “bought into the media’s fear” get upset when these facts are used instead of the emotional fear that they have attached themselves to. Sadly for this reason there will be some that are offended.

For those of you that don’t know me I would like share a little of my background. I was born in a trailer park, my mother was 16 and while we grew up very poor I always had everything I needed. The greatest Mom and Dad anyone could ask for. I started selling produce on the roadside of the Cape Coral bridge at age 15 and opened my first store at age 18. My company which I prefer to call “our “ company now has roughly 2000 employees and will soon become an ESOP (Employee Owned Company) . I am stating this only to explain why it is that I so deeply love this country for all of the opportunity it has afforded me and more than anything in this world want the same opportunities to continue afforded to others.

As I said... I do believe this is a terrible health crisis. My question is does it have to be a terrible economic tragedy too? And who does that help exactly? Does it help that you just lost your job, or your small business.? Does it help that you just lost your income or your life savings? Do you feel better about his health tragedy if you also have an economic tragedy to deal with?

Oddly enough I ask these questions not so much for myself. Our business is one that actually does very well during these times. In 2008 we had some of our best growth, everyone has to eat. My heart is bleeding for so many that have been living a similar American dream that I have been afforded but will not be so fortunate because of the nature of their business.

Last week when the Secretary of Education decided to close the schools that we sell fresh produce to around the entire state I immediately called Senator Rick Scott to get his perspective. He explained to me the reason our government was being so cautious in dealing with COVID-19 was because it was considered to be 2.5 times more contagious than the normal flu virus and possibly 7 times more deadly. The mortality rate of the normal flu running about one tenth of a percent (1 in 1000) and the COVID-19 possibly seven tenths of a percent (7 in 1000).

After speaking with him, I felt as if the actions taken by the government were somewhat appropriate. However at this time the facts I have gathered directly from the CDC say otherwise:

For that reason I decided to write him this letter and hope that all of those that read it on this post will recognize it as just one mans opinion that truly wants what is best for OUR country.

Senator Scott,

The media continues to sensationalize the magnitude and deadly nature of COVID-19. Yet, the truth is the mortality rate of COVID-19 is very low as compared to the normal flu season in the United States. (And for some reason, the media does not sensationalize or even report flu virus deaths.) As of today, live statistics show global deaths from COVID-19 at 14,611. And, though this number seems large, it pales in comparison to the deaths from a typical flu season. For example, the CDC website shows that during the

2017-18 flu season, over 810,000 people were hospitalized, and 61,000 people died in the United States alone. Why does the media fail to participate in fear mongering and talk of overcrowding the hospitals every flu season?

The Director General of the World Health Organization, Tedros Adhanom Ghebreyesus, created this international panic by grossly miscalculating the coronavirus mortality rate at 3.4%. It is now crystal clear that he was completely wrong, and yet no one wants to admit it! In the United States, we ignore the facts and continue on with the madness of social distancing, school closures, panic buying, and fear mongering. Just a couple years ago, the same panel of doctors from the CDC who are feeding us false information on COVID-19 adamantly predicted there would be over one million cases of Ebola. In reality, there were less than 30,000 Ebola cases reported; this represents another reckless and gross miscalculation from the World Health Organization and the CDC.

This baseless fear mongering from the media and American politicians is completely out of control. Why is California Governor Gavin Newsom telling the people in his state that he predicts 25.5 million of his citizens will get the virus? Using his gross miscalculation of a 3% mortality rate, that would mean 765,000 Californians will die. The actual data from countries around the world does not support this!

South Korea has had great success fighting the Coronavirus pandemic without drama or chaos. The sick and at-risk were quarantined, and everyone else went to work; no businesses closed, no facet of the economy shut down, and no one lost their job. Coincidentally, South Korea is almost identical in size to California with a slightly higher population of 51 million. (California's population is 42 million.) South Korea has had less than 9000 cases and under 100 deaths. Moreover, South Korea and California have similar land mass. And yet, in spite of these similarities, the Governor of California is expecting 765,000 deaths versus 100 deaths in South Korea. Something doesn't add up.

We have allowed the inept CDC, alongside the complicit media, to create one of the worst financial losses in history based off nothing more than fear of a worst case scenario. By the time our government gets its head out of its ass, and realizes this is nothing more than a severe flu season, we will be coming back to an unrecognizable America. Millions of Americans will be out of work, many will have lost their retirement, and thousands of businesses will surely be bankrupt. Our economy will be in ruins, and for what? We MUST let Americans without risk — young and healthy business owners and their employees — go to work in order to keep our economy active and thriving. If we promote this course of action now, then in a month or two, when the at-risk come out of quarantine, there will be some semblance of a healthy economy in place.

I understand the necessity for the media to over-sensationalize and over-dramatize everything they report; it's smart business. If they can create fear and anxiety, they keep everyone tuned in. It's great for them, and that's their job — they are selling advertisements based on people watching the news outlets. It's similar to the way in which I stack my vegetables high to increase sales. I suppose if I owned a TV network, I might do the same.

However, I expect more from our elected officials. Collectively, you are supposed to be looking out for our country and its citizens. We live in a time during which the media creates perceptions that become our reality. Politicians base their own behaviors, actions, and messages on these perceptions (whether true or false) and subsequent realities. Though telling the truth can mean political suicide, politicians — yourself included — have a duty to serve the American people.

There may be something much larger at play — something that represents much more of a threat to us than any virus or plague. In 2015, the greatest fear I had for our nation's future (my grandchildren) was the takeover of our great country by the Globalists (a.k.a. New World Order). President Obama was a puppet for the Globalists, and he helped equalize the power in the world by helping to build up other world economies (such as China). All the while, he created stress on the American economy by forcing our

industries to other countries and overloading the American government with financial demands our people could not meet. We were well on our way to a world government: a handful of equal powers that would eventually merge for economic dependency.

Then, Donald Trump entered the political arena. He believed in American exceptionalism and promoted a strong U.S. economy — all that is truly loathed by the Globalists.

In only three years, President Donald Trump delivered the greatest economy and lowest unemployment record in our country's 243-year history. For the first time in recent history, our great President forced China to stop raping our country, which damaged the Globalist plan to advance. In January 2020, the Trump administration strong-armed a trade deal between the world's two largest economies. Trump is our nation's first president to call China to account for its currency manipulation and hold them to a fair trade agreement.

Almost eight months from a presidential election, the Globalists are desperate and anguished — every disgraceful attempt to take down President Trump in the past three years has proved unsuccessful. They know Trump will win in a landslide against the remaining two Democratic contenders.

With the incredible power the Globalists yield over the World Health Organization and mainstream media, they easily created this incredible — yet completely baseless — fear around the world regarding COVID-19. (Why, for example, has the fake news media not reported to the American people that the scary statistics from Italy are the result of Italy's recent Silk Road Project agreement with China? This agreement resulted in more than 300,000 Chinese workers entering Italy and thereby spreading the virus.) President Trump's first reaction was to wait to see what the real threat was before overreacting and crashing the economy. However, he was quickly backed into a corner alongside all other American politicians.

What a great plan by the Globalists to level the worldwide playing field! I feel certain this plan has been in their playbook for many years — they were just waiting for the perfect time to enact it. They understand that the greatest carnage of this event will be the vast loss of small businesses in the United States. Up until a week ago, small businesses comprised the backbone of our country — AND, they were the one facet of our nation over which the Globalists had the least control. With the new volatility of small business, many will choose the security of working for large corporations or the government — exactly where the Globalists need them to be.

Thank you for taking the time to consider this perspective. Though you're much more informed than I, the extra perspective may prove valuable. You are among a handful of elected officials who truly love this country above their own personal gain. I pray you — and the other leaders who love our country — will make the immediate and necessary decisions to pivot Americans from the terrible fear created by the media and its accomplices. I will say it again: we must allow young and healthy business owners to operate as usual, and their employees to get back to work immediately, even as we continue to quarantine the at-risk and elderly. Lift business restrictions, and re-open schools; encourage the media outlets to cease this senseless fear mongering. You have a collective responsibility — alongside your fellow politicians — to propel our nation into a rebirth by garnering hope, strength and common sense for the good of our people.

All my best,

Alfie

THE UNITED STATES ATTORNEY'S OFFICE
NORTHERN DISTRICT *of* MISSISSIPPI

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U.S. Attorney's Office

Northern District of Mississippi

FOR IMMEDIATE RELEASE

Wednesday, April 15, 2020

Attorney General William P. Barr's Statement on Religious Practice and Social Distancing; Department Of Justice Files Statement Of Interest In Mississippi Church Case

WASHINGTON – Attorney General William P. Barr issued the following statement:

"In light of the COVID-19 pandemic, the President has issued guidelines calling on all Americans to do their part to slow the spread of a dangerous and highly contagious virus. Those measures are important because the virus is transmitted so easily from person to person, and because it all too often has life-threatening consequences for its victims, it has the potential to overwhelm health care systems when it surges.

To contain the virus and protect the most vulnerable among us, Americans have been asked, for a limited period of time, to practice rigorous social distancing. The President has also asked Americans to listen to and follow directions issued by state and local authorities regarding social distancing. Social distancing, while difficult and unfamiliar for a nation that has long prided itself on the strength of its voluntary associations, has the potential to save hundreds of thousands of American lives from an imminent threat. Scrupulously observing these guidelines is the best path to swiftly ending COVID-19's profound disruptions to our national life and resuming the normal economic life of our country. Citizens who seek to do otherwise are not merely assuming risk with respect to themselves, but are exposing others to danger. In exigent circumstances, when the community as a whole faces an impending harm of this magnitude, and where the measures are tailored to meeting the imminent danger, the constitution does allow some temporary restriction on our liberties that would not be tolerated in normal circumstances.

Exhibit K

But even in times of emergency, when reasonable and temporary restrictions are placed on rights, the First Amendment and federal statutory law prohibit discrimination against religious institutions and religious believers. Thus, government may not impose special restrictions on religious activity that do not also apply to similar nonreligious activity. For example, if a government allows movie theaters, restaurants, concert halls, and other comparable places of assembly to remain open and unrestricted, it may not order houses of worship to close, limit their congregation size, or otherwise impede religious gatherings. Religious institutions must not be singled out for special burdens.

Today, the Department filed a Statement of Interest in support of a church in Mississippi that allegedly sought to hold parking lot worship services, in which congregants listened to their pastor preach over their car radios, while sitting in their cars in the church parking lot with their windows rolled up. The City of Greenville fined congregants \$500 per person for attending these parking lot services – while permitting citizens to attend nearby drive-in restaurants, even with their windows open. The City appears to have thereby singled churches out as the only essential service (as designated by the state of Mississippi) that may not operate despite following all CDC and state recommendations regarding social distancing.

As we explain in the Statement of Interest, where a state has not acted evenhandedly, it must have a compelling reason to impose restrictions on places of worship and must ensure that those restrictions are narrowly tailored to advance its compelling interest. While we believe that during this period there is a sufficient basis for the social distancing rules that have been put in place, the scope and justification of restrictions beyond that will have to be assessed based on the circumstances as they evolve.

Religion and religious worship continue to be central to the lives of millions of Americans. This is true more so than ever during this difficult time. The pandemic has changed the ways Americans live their lives. Religious communities have rallied to the critical need to protect the community from the spread of this disease by making services available online and in ways that otherwise comply with social distancing guidelines.

The United States Department of Justice will continue to ensure that religious freedom remains protected if any state or local government, in their response to COVID-19, singles out, targets, or discriminates against any house of worship for special restrictions."

The City has since stated it will drop the fines, but will continue to enforce the order.

Topic(s):

Civil Rights

Component(s):

USAO - Mississippi, Northern

Updated April 15, 2020

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

TEMPLE BAPTIST CHURCH; <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	
)	Case No. 4:20-cv-64-DMB-JMV
CITY OF GREENVILLE, <i>et al.</i> ,)	
)	
Defendants.)	
<hr style="width:50%; margin-left:0;"/>		

THE UNITED STATES’ STATEMENT OF INTEREST IN SUPPORT OF PLAINTIFFS

The United States of America respectfully files this Statement of Interest pursuant to 28 U.S.C. § 517, which authorizes the Attorney General “to attend to the interests of the United States in a suit pending in a court of the United States.” The United States also enforces 34 U.S.C. § 12601, which allows the United States to bring suit when law enforcement officers engage in a pattern or practice that deprives individuals of their federal constitutional or statutory rights.

The United States has a substantial interest in the preservation of its citizens’ fundamental right to the free exercise of religion, expressly protected by the First Amendment. To that end, the United States regularly files statements of interest and amicus briefs on important issues of religious liberty in courts at every level, from trial courts to the Supreme Court of the United States. In addition, the Attorney General has issued comprehensive guidance interpreting religious-liberty protections available under the United States Constitution and federal law. *Federal Law Protections for Religious Liberty*, 82 Fed. Reg. 49668 (Oct. 6, 2017) (hereinafter “Attorney General Guidelines”). As relevant here, the Attorney General Guidelines explain that “although government generally may subject religious persons and organizations to

neutral generally applicable laws,” government cannot “apply such laws in a discriminatory way” or otherwise “target persons or individuals because of their religion.” *Id.* at 49669.

Especially in the midst of the COVID-19 pandemic, the United States has a strong interest in ensuring the development and maintenance of the best possible public health strategies to combat the virus and protect the people of the United States from harm. This case raises issues of national public importance regarding the interplay between the government’s compelling interest in protecting public health and safety from COVID-19 and citizens’ fundamental right to free exercise of religion.

INTRODUCTION¹

This suit is brought by Temple Baptist Church, a church in Greenville, and its Pastor, Arthur Scott (collectively, the “church”) against the City of Greenville and its mayor (collectively, the “city”) alleging that the city has taken improper action to stop it from holding drive-in church services in response to the COVID-19 virus. The church broadcasts its service over a low-power FM station for its parishioners who gather in their cars in the church’s parking lot. ECF 1, ¶ 24. Attendees are required to remain in their cars at all times with their windows rolled up. *Id.* ¶¶ 1, 27. The church does not have a website or the ability to stream services online, and “many church members do not have social media accounts, the ability to participate in a Zoom call, or watch services online.” *Id.* ¶ 23.

The Mississippi governor has designated churches and other religious entities as an “essential business or operation” that can operate so long as they adhere to Centers for Disease Control and Prevention (CDC) and Mississippi Department of Health guidelines. *Id.* ¶¶ 35-42. On April 7, 2020, however, the city issued an order titled “Executive Order Regarding Church

¹ The United States submits this brief on the basis of the facts alleged in the complaint.

Services” that barred churches from holding in-person or drive-in services until the Governor’s shelter in place order is lifted. *Id.* ¶ 44. On April 8, the city dispatched eight uniformed police officers to the church. *Id.* ¶ 52-53. “[N]o one was outside his or her car at any point during the service, including when the City police arrived” and those “attending the service were sitting peacefully inside their cars listening to Pastor Scott’s sermon, with their windows rolled up.” *Id.* ¶54-55. The police then “began knocking on car windows, demanding driver’s licenses, and writing citations with \$500 fines.” *Id.* ¶ 56.

The church filed this suit in response, raising claims under, *inter alia*, the Free Exercise Clause, and under the Mississippi Religious Freedom Restoration Act (MRFRA), MISS. CODE ANN. § 11-61-1(5) (2020).

ARGUMENT

I. Constitutional Rights Are Preserved During a Public Health Crisis

The federal government, the District of Columbia and all 50 states have declared a state of emergency and have taken unprecedented, but essential, steps to contain the spread of the novel coronavirus, and consequences of the life-threatening COVID-19 pandemic. *See, e.g.*, Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak (March 13, 2020).² The President has issued “Coronavirus Guidelines for America” which, among other measures, urge the public to “follow the directions of [their] state and local authorities,” to “avoid social gatherings in groups of more than 10 people” and to “use drive-thru, pickup, or delivery options” instead

² Presidential Proclamation, Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak (Mar. 13, 2020), <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>

of “eating or drinking at bars, restaurants, and food courts.”³ The CDC has recommended that individuals “[s]tay home as much as possible” and when in public keep “about 6 feet” away from others.⁴ States and localities have imposed a variety of measures, including mandatory limitations on gatherings. Observing these guidelines is the best path to swiftly ending COVID-19’s profound disruptions to our national life and resuming the normal economic life of our country. Citizens who seek to do otherwise are not merely assuming risk with respect to themselves, but are exposing others to the same danger. It is for that reason that state and local governments have acted to protect public health by restricting in-person assemblies, including religious assemblies.

There is no pandemic exception, however, to the fundamental liberties the Constitution safeguards. Indeed, “individual rights secured by the Constitution do not disappear during a public health crisis.” *In re Abbott*, --- F.3d ---, 2020 WL 1685929, at *6 (5th Cir. Apr. 7, 2020). These individual rights, including the protections in the Bill of Rights made applicable to the states through the Fourteenth Amendment, are always in force and restrain government action.

At the same time, the Constitution does not hobble government from taking necessary, temporary measures to meet a genuine emergency. According to the Supreme Court, “in every well-ordered society charged with the duty of conserving the safety of its members the rights of the individual in respect of his liberty may at times, under the pressure of great dangers, be subjected to such restraint, to be enforced by reasonable regulations, as the safety of the general public may demand.” *Jacobson v. Commonwealth of Massachusetts*, 197 U.S. 11, 29 (1905).

³ Coronavirus Guidelines for America (Mar. 16, 2020), https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf

⁴ Centers for Disease Control, How to Protect Yourself and Others (April 8, 2020) <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>

The “settled rule [from *Jacobson*],” the Fifth Circuit recently explained, “allows the state to restrict, for example, one’s right to peaceably assemble, to publicly worship, to travel, and even to leave one’s home.” *In re Abbott*, 2020 WL 1685929, at *6. And, critically, “[t]he right to practice religion freely does not include the liberty to expose the community . . . to communicable disease.” *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944). Emergency public health measures such as gathering limitations and social distancing requirements in response to COVID-19 are evaluated under the Supreme Court’s decision in *Jacobson*. Courts owe substantial deference to government actions, particularly when exercised by states and localities under their police powers during a bona fide emergency.

Nevertheless, the Supreme Court has instructed courts to intervene:

[I]f a statute purporting to have been enacted to protect the public health, the public morals, or the public safety, has no real or substantial relation to those objects, or is, *beyond all question, a plain, palpable invasion of rights secured by the fundamental law.*

Jacobson, 197 U.S. at 31 (emphasis added). As a result, government can take extraordinary, temporary measures to protect the public. In *Jacobson*, the Court explained, by way of example, that “[a]n American citizen arriving at an American port” who had traveled to a region with yellow fever “may yet, in some circumstances, be held in quarantine against his will.” *Id.* at 29.

If, however, the record establishes “beyond all question, a plain, palpable” violation of the foregoing principles, then a court must grant relief. *See In re Abbott*, 2020 WL 1685929, at *7. Courts reviewing a challenge to a measure responding to the “society-threatening epidemic” of COVID-19 should be vigilant to protect against clear invasions of constitutional rights while ensuring they do “not second-guess the wisdom or efficacy of the measures” enacted by the democratic branches of government, on the advice of public health experts. *Id.*

II. The Free Exercise Clause Prohibits Unequal Treatment of Religious Individuals and Organizations

A. The Free Exercise Clause guarantees to all Americans the “right to believe and profess whatever religious doctrine [they] desire[.]” *Empl’t Div. v. Smith*, 494 U.S. 872, 877 (1990). It also protects their right to act on these beliefs, through gathering for public worship as in this case, or through other acts of religious exercise in their daily lives. While the protections for actions based on one’s religion are not absolute, *id.* at 878-79, among the most basic requirements of the Free Exercise Clause are that government may not restrict “acts or abstentions only when they are engaged in for religious reasons, or only because of the religious belief that they display,” *id.* at 877, nor “target the religious for special disabilities based on their religious status.” *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012, 2019 (2017) (internal quotation marks omitted); *see also* Attorney General Guidelines, 82 Fed. Reg. at 49672.

To determine whether a law impermissibly targets religious believers or their practices, the Supreme Court has directed courts to “survey meticulously” the text and operation of a challenged law to ensure that it is neutral and of general applicability. *Church of the Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 534 (1993). The Court explained: “The principle that government, in pursuit of legitimate interests, cannot in a selective manner impose burdens only on conduct motivated by religious belief is essential to the protection of the rights guaranteed by the Free Exercise Clause.” *Id.* at 543; *see also* Attorney General Guidelines, 82 Fed. Reg. at 49672.

Under the Free Exercise Clause, a law or rule, or the application of a law or rule, that is not both neutral and generally applicable is subject to heightened scrutiny. *Church of the Lukumi Babalu Aye*, 508 U.S. at 531.

A law or rule is not neutral if it singles out particular religious conduct for adverse treatment; treats the same conduct as lawful when undertaken for secular reasons but unlawful when undertaken for religious reasons; visits “gratuitous restrictions on religious conduct”; or “accomplishes . . . a ‘religious gerrymander,’ an impermissible attempt to target [certain individuals] and their religious practices.” *Id.* at 533-35, 538 (internal quotation marks omitted); *see also* Attorney General Guidelines, 82 Fed. Reg. at 49672. In short, “[t]he Free Exercise Clause bars even ‘subtle departures from neutrality’ on matters of religion.” *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Comm’n*, 138 S. Ct. 1719, 1731 (2018) (quoting *Church of the Lukumi Babalu Aye*, 508 U.S. at 534).

A law is not generally applicable if “in a selective manner [it] impose[s] burdens only on conduct motivated by religious belief,” including by “fail[ing] to prohibit nonreligious conduct that endangers [its] interests in a similar or greater degree than . . . does the prohibited conduct.” *Church of the Lukumi Babalu Aye*, 508 U.S. at 534; *see also* Attorney General Guidelines, 82 Fed. Reg. at 49672.

Accordingly, the Supreme Court’s free exercise decisions instruct this Court to “survey meticulously,” *id.* at 534, the risks and character of the various essential services that the city continues to permit. The Court must determine whether the city’s distinctions between nonreligious essential services and religious essential services are truly neutral and generally applicable. In other words, the Court must ensure that like things are treated as like, and that religious organizations are not singled out for unequal treatment. *See id.* at 533-34.

If the Court determines that the city’s prohibition on drive-in church services is in fact not the result of the application of a generally applicable and neutral law or rule, then it must review the city’s justifications and determine if the city has demonstrated a compelling governmental interest, pursued through the least restrictive means. *See id.* at 546.

The Court must be appropriately deferential to the expertise of public health officials in evaluating potential distinctions between a drive-in church and other permitted essential activities where people gather in cars, parking lots, or interact in some way in significant numbers. *See Jacobson*, 197 U.S. at 31; *In re Abbott*, 2020 WL 1685929, at *7. But such deference will not justify action that is “beyond all question, a plain, palpable” violation of free exercise principles. *Jacobson*, 197 U.S. at 31; *see also In re Abbott*, 2020 WL 1685929, at *7. Thus, if the Court determines that the city’s prohibition is not in fact the result of a neutral and generally applicable law or rule, then the Court may sustain it only if the city establishes that its action is the least restrictive means of achieving a compelling governmental interest. *Church of the Lukumi Babalu Aye*, 508 U.S. at 546.

B. The allegations in the complaint strongly suggest that the city’s prohibition of drive-in church services, despite the inclusion of measures to reduce risk such as requiring people to remain in their cars, are neither neutral nor generally applicable.

Take neutrality first. According to the city, “ALL businesses and industries deemed essential by state and federal orders” may continue operations, ECF 1, ¶ 45, and the state has designated churches such as the one here as essential. Nevertheless, the city barred the church from holding services even if the church adheres to CDC and Mississippi COVID-19 guidelines for essential operations. *See id.* ¶¶ 33, 35. These allegations suggest that the city singled out

churches for distinctive treatment not imposed on other entities the state has designated as essential services.

In addition to appearing non-neutral, the church's allegations also tend to show that the city's emergency actions are not applied in a generally applicable manner. The church alleges facts tending to show that conduct is being permitted for various secular reasons when equivalent conduct is being forbidden to churches holding drive-in services. Notably, the city appears to permit citizens to sit in a "car at a drive-in restaurant with [their] windows rolled *down*," but not "at a drive-in church service with [their] windows rolled *up*." *Id.* ¶ 51. The church thus alleges that the city has "fail[ed] to prohibit nonreligious conduct that endangers [its] interests in a similar or greater degree," *Church of the Lukumi Babalu Aye*, 508 U.S. at 543, than drive-in services like the church's here.

III. The Compelling Interest/Least Restrictive Means Test Is a Searching Inquiry

The Court should apply heightened scrutiny under the Free Exercise Clause if it determines, after applying appropriate deference to local officials, that the church has been treated by the city in a non-neutral and non-generally applicable manner. The same analysis would apply if the Court found that the church's religious exercise has been burdened under the Mississippi Religious Freedom Restoration Act, MISS. CODE ANN. § 11-61-1(5)(b) ("Mississippi RFRA"). The federal Religious Freedom Restoration Act (RFRA), 42 U.S.C. § 2000bb, which applies to federal action (but not state and local government action) "prohibits the Government from substantially burdening a person's exercise of religion . . . unless the Government demonstrates that application of the burden to the person—(1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest." *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 695 (2014)

(citations and internal marks omitted). This is true “even if the burden results from a rule of general applicability,” *O Centro Espirita Beneficente Uniao do Vegetal v. Gonzales*, 546 U.S. 418, 424 (2006). Mississippi’s RFRA similarly states that the government “may substantially burden a person’s exercise of religion only if it demonstrates that application of the burden to the person: (i) is in furtherance of a compelling governmental interest; and (ii) is the least restrictive means of furthering that compelling governmental interest.” MISS. CODE ANN. § 11-61-1(5)(b). This is a difficult standard to meet.

As a general matter, prohibiting large gatherings to prevent the spread of COVID-19 undeniably advances a compelling government interest. The Fifth Circuit recently recognized “the escalating spread of COVID-19, and the state’s critical interest in protecting the public health.” *In re Abbott*, 2020 WL 1685929, at *1. However, that is not the end of the inquiry. In *O Centro*, the Supreme Court considered under the federal RFRA whether banning a religious group from using a particular controlled substance in its worship service was supported by the compelling interest of enforcing the drug laws. *See* 546 U.S. at 428-39. The Court recognized that while enforcing the drug laws constitutes a compelling interest as a general matter, the government had to show more—a compelling interest in applying those laws to the small religious group that sought to use a drug in religious ceremonies that was not a sought-after recreational drug and thus not prone to diversion. Drawing on its Free Exercise Clause precedents, the Supreme Court held that courts must look “beyond broadly formulated interests justifying the general applicability of government mandates and scrutinize[] the asserted harm of granting specific exemptions to particular religious claimants.” *Id.* at 431.

The Supreme Court has noted that “‘context matters’ in applying the compelling interest test, and has emphasized that strict scrutiny’s fundamental purpose is to take ‘relevant

differences’ into account.” *Id.* (citations omitted). For example, in *Cutter v. Wilkinson*, the Supreme Court applied the compelling interest standard in a manner that directed that prison administrators be afforded deference on what constitutes safety and good order. 544 U.S. 709, 723 (2005). Similarly, here, a court must apply this standard in the context of a pandemic that officials have predicted—if unchecked—could claim a significant number of American lives. On the other hand, the requirement set forth in *O Centro* that a compelling interest must be evaluated in context rather than by reference to a broad general principle such as health or safety, and the related requirement that the government must use the least restrictive means to achieve its interest, *see Hobby Lobby*, 573 U.S. at 728 (the “least-restrictive-means standard is exceptionally demanding”), emphasize that a court must engage in a searching inquiry.

The question for this Court, then, is whether the city’s alleged actions here—namely, “reclassif[ying] churches as ‘non-essential’” businesses and operations so as to prevent this church from engaging in its “‘drive-in’ services [that] involve no in-person contact,” ECF 1, ¶¶ 24, 45—further a compelling interest, and whether there is no less restrictive measure the city could use to achieve that interest while allowing the church to hold its services. If in this fact-intensive and context-laden analysis, the court determines that there are no “relevant differences,” *O Centro*, 546 U.S. at 420, with regard to the efficacy in containing COVID-19 between what the church proposed and what the city would require, then the city’s measure must yield to the church’s sincerely held religious exercise.

The facts alleged in the church’s complaint strongly suggest that there are no such differences and that the city should allow the church to hold its drive-in services. Under strict scrutiny, the city has the burden to demonstrate that prohibiting the small church here from holding the drive-in services at issue here—services where attendees are required to remain in

their cars in the church parking lot at all times with their windows rolled up and spaced consistent with CDC guidelines—is the least restrictive means of furthering a compelling interest. As of now, it seems unlikely that the city will be able to carry that burden. Again, according to the complaint, the church “does not allow those attending its ‘drive-in’ services’ to leave their cars for any reason,” ECF 1, ¶ 5, and requires them to space their cars “beyond CDC guidelines,” with their “windows up,” *id.* ¶¶ 1, 24. Based on those allegations, it is unclear why prohibiting these services is the least restrictive means of protecting public health, especially if, as alleged in the complaint, the city allows other conduct that would appear to pose an equal—if not greater—risks, *see id.* ¶ 51.

CONCLUSION

The United States respectfully requests the Court to consider the arguments set forth above in evaluating this case. The facts alleged in the complaint strongly suggest that the city’s actions target religious conduct. If proven, these facts establish a free exercise violation unless the city demonstrates that its actions are neutral and apply generally to nonreligious and religious institutions or satisfies the demanding strict scrutiny standard.

Dated: April 14, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that this 14th day of April 2020, the foregoing United States' Statement of Interest was electronically filed with the Clerk of Court using the CM-ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ William C. Lamar

WILLIAM C. LAMAR



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

May 19, 2020

The Honorable Gavin Newsom
Governor of California
1303 10th Street, Suite 1173
Sacramento, CA 95814

Dear Governor Newsom:

We are writing to you to raise several civil rights concerns with the treatment of places of worship in Executive Orders N-33-20 and N-60-20 and documents relating to the California Reopening Plan.

Of course, we recognize the duty that you have to protect the health and safety of Californians in the face of a pandemic that is unprecedented in our lifetimes. You and other leaders around the country are called on to balance multiple competing interests and evaluate the constantly changing information available to you about COVID-19, and make your best judgment on courses of action.

Attorney General William P. Barr recently issued a statement on *Religious Practice and Social Distancing*, in conjunction with a Mississippi case in which the Department of Justice participated regarding restrictions on worship. In the statement, the Attorney General emphasized the need to practice social distancing to control the spread of COVID-19. He also noted that temporary restrictions that would be unacceptable in normal circumstances may be justified. But, “even in times of emergency, when reasonable and temporary restrictions are placed on rights, the First Amendment and federal statutory law prohibit discrimination against religious institutions and religious believers. Thus, government may not impose special restrictions on religious activity that do not also apply to similar nonreligious activity.” Simply put, there is no pandemic exception to the U.S. Constitution and its Bill of Rights.

Laws that do not treat religious activities equally with comparable nonreligious activities are subject to heightened scrutiny under the Free Exercise Clause of the First Amendment. *Church of the Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520 (1993). Laws that are not both neutral toward religion and generally applicable are invalid unless the government can prove that they further a compelling interest and are pursued through the least restrictive means possible. Religious gatherings may not be singled out for unequal treatment compared to other nonreligious gatherings that have the same effect on the government’s public health interest, absent the most compelling reasons.

Exhibit L

Executive Order N-33-20 (March 19, 2020) ordered Californians to remain at home except to engage in authorized necessary activities as laid out by the Public Health Officer at the time and as modified going forward. The Public Health Officer's April 28 "essential workforce" list does not appear to treat religious activities and comparable nonreligious activities the same.

The list includes "faith-based services" but only if "provided through streaming or other technologies." In-person religious services are thus apparently prohibited even if they adhere to social distancing standards.

The list of nonreligious workers who are not so restricted by the Executive Order and essential workforce list when telework "is not practical" is expansive. For example, the list includes "Workers supporting the entertainment industries, studios, and other related establishments, provided they follow covid-19 public health guidance around social distancing." Likewise, "workers supporting ecommerce" are included as essential, regardless of whether the product they are selling and shipping are life-preserving products or not. This facially discriminates against religious exercise. California has not shown why interactions in offices and studios of the entertainment industry, and in-person operations to facilitate nonessential ecommerce, are included on the list as being allowed with social distancing where telework is not practical, while gatherings with social distancing for purposes of religious worship are forbidden, regardless of whether remote worship is practical or not.

Even more pronounced unequal treatment of faith communities is evident in California's Reopening Plan, as set forth in Executive Order N-60-20 (May 4, 2020), and in the documents the California Department of Public Health produced pursuant to it, including the "Resilience Roadmap" (<https://covid19.ca.gov/roadmap/>) and "County Variance Attestations" (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Local-Variance-Attestations.aspx>). Places of worship are not permitted to hold religious worship services until Stage 3. However, in Stage 2, schools, restaurants, factories, offices, shopping malls, swap meets, and others are permitted to operate with social distancing. And as noted, ecommerce and entertainment industry activities are already permitted with social distancing. This constitutes precisely the kind of differential treatment the Supreme Court identified in the *Lukumi* decision in which the government is not willing to impose on certain activities the same restrictions it is willing to impose on constitutionally protected religious worship. While it is true that social distancing requirements applied to places of worship may inevitably result in much smaller congregations than some faith groups would like, in our experience with other controversies around the country, many places of worship are quite content to operate at 15-25% of capacity in a way that allows for social distancing between family groups.

The Department of Justice does not seek to dictate how States such as California determine what degree of activity and personal interaction should be allowed to protect the safety of their citizens. However, we are charged with upholding the Constitution and federal statutory protections for civil rights. Whichever level of restrictions you adopt, these civil rights protections mandate equal treatment of persons and activities of a secular and religious nature.

We recognize that three U.S. District Courts have denied Temporary Restraining Orders (TRO's) sought by plaintiffs against Executive Order N-33-20, *Abiding Place Ministries v. Wooten*, No. 3:20-cv-00683 (S.D. Cal. April 10, 2020) (no written opinion); *Gish v. Newsom*, No. 5:20-CV-755 (C.D. Cal. Apr. 23, 2020); *Cross Culture Christian Ctr. v. Newsom*, No. 2:20-CV-00832 (E.D. Cal. May 5, 2020), and one denied a TRO against the Reopening Plan, which is

now on appeal to the Ninth Circuit. *South Bay United Pentecostal Church v. Newsom*, No. 3:20-cv-865 (S.D. Cal. May 15, 2020) (oral transcript ruling). These TRO decisions do not justify California's actions. The *Abiding Place*, *Gish*, and *Cross Culture* TRO decisions do not address the Stage 2 reopening, and *South Bay United Pentecostal* does not describe why worship services can be distinguished from schools, restaurants, factories or other places Stage 2 permits people to come together. Other decisions around the country have followed *Lukumi* to make clear that reopening plans cannot unfairly burden religious services as California has done. See, e.g., *Robert v. Neace*, No. 20-5465 (6th Cir. May 11, 2020).

Religion and religious worship continue to be central to the lives of millions of Americans. This is true now more than ever. Religious communities have rallied to protect their communities from the spread of this disease by making services available online, in parking lots, or outdoors, by indoor services with a majority of pews empty, and in numerous other creative ways that otherwise comply with social distancing and sanitation guidelines. We believe, for the reasons outlined above, that the Constitution calls for California to do more to accommodate religious worship, including in Stage 2 of the Reopening Plan.

Thank you for your prompt attention to this matter. Should you wish to discuss further, please contact United States Attorney for the Eastern District of California McGregor Scott at (916) 554-2730 or mgregor.scott@usdoj.gov.

Sincerely,

Eric S. Dreiband

05/19/2020

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June 5, 2020

An open letter to the people of Carroll County:

After Gov. Kim Reynolds issued Executive Orders in response to the coronavirus emergency, I had grave concerns about the constitutionality of portions of the orders. I am sworn to uphold and defend the United States and Iowa Constitutions. Spiritual health and freedom are fundamental for our country.

These orders specifically targeted religious gatherings. Now that we have more information, it is clear to me that this public health emergency cannot stand in the way of reasonable accommodation of religious observance; all the while discount and food stores are deemed "necessary" and commercial buildings abound with shoppers.

United States Attorney General William Barr, who was at the time addressing restrictions on worship in Mississippi, states: "Even in times of emergency, when reasonable and temporary restrictions are placed on rights, the First Amendment and federal statutory law prohibit discrimination against religious institutions and religious believers. Thus, government may not impose special restrictions on religious activity that do not also apply to similar nonreligious activity."

My office of County Attorney is responsible for enforcing public health orders within applicable statutory framework. The legal landscape remains unsettled due to conflicting decisions in different states. Until there is further clarification from higher courts, this office will not seek criminal enforcement for alleged violations involving in-person meetings for religious purposes.

Sincerely, your public servant,

John C. Werden
Carroll County Attorney

Exhibit M