STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 20-37

FOR: **FACE COVERING REQUIREMENT**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, on March 6, 2020, I issued Executive Order 20-02 which declared a public health emergency exists throughout the State of Indiana as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and a confirmed report of the disease in our State and this initial declaration has been extended by me in Executive Orders 20-17, 20-25, 20-30 & 20-34;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic and, on March 13, 2020, the President of the United States declared a national emergency with respect to this dangerous virus;

WHEREAS, as of the date of this Executive Order, the virus has now spread to every county in our State, with over 60,000 confirmed cases and over 2,600 deaths;

WHEREAS, as Governor, under Indiana's Emergency Management and Disaster Law, Ind. Code ch. 10-14-3 ("Emergency Disaster Law"), I have authority to take actions necessary to prepare for, respond to and address a public health disaster emergency including the following:

- making, amending and rescinding the necessary orders, rules and regulations to carry out the response to a public health disaster emergency;
- suspending the provisions of any regulatory statute prescribing the procedures for conduct of state business, including the orders, rules or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency;
- transferring the direction, personnel, or functions of state departments and agencies or units for performing or facilitating emergency services; and
- using any and all available resources of state government and of each political subdivision of our State as reasonably necessary to cope with the public health disaster emergency;

WHEREAS, to reduce and slow the spread of COVID-19, the Centers for Disease Control and Prevention (CDC) and the Indiana State Department of Health (ISDH) have recommended implementation of mitigation strategies to contain this virus;

WHEREAS, in order to take all necessary steps to increase containment of this virus, I have issued various Executive Orders including a stay-at-home order, closure of state government buildings and restrictions on in-person dining at restaurants;

WHEREAS, the CDC, the U.S. Surgeon General and the ISDH have all advocated for wearing a face covering, practicing social distancing, washing hands, and checking temperatures as proven methods of mitigating the spread of COVID-19 and as such, have strongly recommended people wear cloth face coverings in public settings when around people outside of their household, especially when other social distancing measures are difficult to maintain;

WHEREAS, as our schools plan to reopen, the safety and health of teachers, administrators, students and others present at schools is of utmost importance and thus, require commonsense mitigation measures to be in place;

WHEREAS, throughout many areas across the United States including Indiana, there are signs of increased coronavirus spread and evidence of resurgence;

WHEREAS, there has been a rise in COVID-19 positivity across the state from a low of 3.6% a month ago to nearly double that percentage now; our overall hospitalization census has increased from approximately 600 a day near the end of June to approximately 800 now; some counties which early on had minimal positive cases, in some instances are now reporting regular double-digit COVID-19 positive cases; and our surrounding states are all experiencing increases in positive cases; and

WHEREAS, based upon the above, implementation of a neutral and generally applicable face covering requirement is a rational and reasonable countermeasure to mitigate the spread of COVID-19 in Indiana.

NOW, THEREFORE, I, Eric J. Holcomb, by virtue of the authority vested in me as Governor by the Indiana Constitution and the laws of the State of Indiana, do hereby order:

1. **Face Covering Requirement:**

   This directive becomes effective at 12:01 a.m. on Monday, July 27, 2020, and continues for a period of thirty (30) days until 11:59 p.m. on Wednesday, August 26, 2020, unless rescinded, modified or extended by me. Any recission, modification or extension of this directive will be contingent on the status of our state's COVID-19 data which may be directly impacted and influenced by Hoosiers' compliance with this directive. During this time period, every individual within the State of Indiana shall wear a face covering over the nose and mouth when:

   a. inside a business, public building, or other indoor place open to the public. This does not extend, however, to private offices, private workspaces or meetings in which six feet of social distancing can be achieved and maintained between people not in the same household;

   b. in an outdoor public space wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; or

   c. using public transportation or while in a taxi, private car service, or ride-sharing vehicle;

   unless an exemption outlined in ¶ 4 below applies or when in a private residence.

2. **Prior Executive Orders on Face Coverings:**

   This Executive Order does not supersede or modify any prior directives requiring employees and staff at restaurants, bars, taverns, wineries, breweries, gyms, exercise and fitness centers and personal service businesses to wear face coverings. These directives extend for the duration of the public health emergency unless specifically rescinded.

3. **Definitions:**

   a. *Face Coverings:* A "face covering" means a cloth which covers the nose and mouth and is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face.

   b. *Face Shields:* A "face shield" is a mask, typically made of clear plastic, which covers the nose and mouth.

4. **Exemptions to Wearing Face Coverings:**

   The following people are exempt from this directive to wear a face covering but are strongly encouraged to do so if practicable and without undue risk, or alternatively, are strongly encouraged to wear a face shield:

a. children under two (2) years of age should not wear a face covering because of the risk of suffocation;

b. children who are over the age of two (2) years and under the age of eight (8) years unless otherwise required by a directive in this Executive Order;

c. any person with a medical condition, mental health condition or disability which prevents wearing a face covering;

d. any person who is deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication;

e. any person 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;

f. any person while consuming food or drink, or is seated at a restaurant or other retail food establishment to eat or drink;

g. any person while exercising or engaging in sports activity and who can maintain six feet of social distancing from other people not in the same household;

h. any person who is in a swimming pool, lake, or similar body of water and who can maintain six feet of social distancing from another person not in the same household;

i. any person while driving alone or with passengers who are part of the same household as the driver;

j. any person obtaining a service which requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a health-related or personal care service involving the face, however the removal of the face covering must be temporary and limited only to the extent necessary to obtain the service;

k. any person, upon request, as part of a law enforcement investigatory stop or investigation or court-related proceeding;

l. any person who is incarcerated;

m. any person who is experiencing homelessness;

n. any person while giving a speech for a broadcast or to an audience if the person can maintain six feet of social distancing from another person not in the same household; or

o. any person attending or engaged in a religious service as he or she must already maintain six feet of social distancing from another person not in the same household.

5. **Compliance:**

The purpose of the requirement in this Executive Order is to protect the health and lives of Hoosiers, to ensure businesses will remain open, to allow schools to reopen and operate safely, and to allow Hoosiers to continue to participate in their chosen activities. State and local health departments shall be responsible for enforcing compliance through education about the importance of wearing face coverings and dispelling myths and misconceptions about the use and/or the benefits of the requirement. If the applicable data on the virus does not improve or continues to worsen in our State, there may be little choice but to reverse course and return to a prior stage in our reopening plan for Indiana. Such

measures could include re-imposition of more stringent measures such as business closures or other burdensome limitations or implementation of new restrictions to help protect the health, safety and well-being of Hoosiers.

6. **Special Requirements for K-12 Educational Institutions:**

   a. *Buildings, Facilities and Grounds:* Also effective at 12:01 a.m. on Monday, July 27, 2020, and continuing until rescinded or modified by me, all public and private K-12 educational institutions shall require all students in grades 3-12 regardless of age, all faculty, all staff, all vendors, all contractors, all volunteers, and all visitors to their educational institutions to wear a face covering or a face shield while physically present in any building, facility or grounds at all times who do not otherwise fall within an exemption listed in ¶ 4 in this Executive Order or who fall within an exemption listed below.

   b. *School Buses or School-sponsored Modes of Transportation:*

      All students regardless of age or grade, all faculty, all staff, all vendors, all contractors, all volunteers, and all visitors shall wear a face covering or a face shield while on a school bus or other school-sponsored mode of transportation except those who fall within an exemption listed in ¶ 4b – f in this Executive Order.

   c. *Additional Exemptions to Face Covering Requirement* for *K-12 Educational Institutions:*

      i. *Food Consumption:* Face coverings or face shields are not required while eating or drinking;

      ii. *Faculty/Staff Areas:* Faculty and staff, while working—other than to prepare food or meals—along with other individuals who are in a room, office or place, where all persons not of the same household can maintain six feet of social distance from each other;

      iii. *Children between ages 2 & 8:* Except when on school buses or on other school-sponsored modes of transportation, children, whether or not students, who are over the age two (2) years and under the age of eight (8) years are not required to wear face coverings or face shields. Such children, however, are strongly encouraged to wear a face covering or a face shield. Children under the age of two (2) years should not wear a face covering because of the risk of suffocation;

      iv. *Classroom Settings:*

         1) where a classroom or place of instruction can be configured so that all students and instructors can maintain six feet of social distancing from one another at all times, face coverings or face shields do not need to be worn during in-person educational instruction; or

         2) where a classroom or place of instruction cannot be configured so that all students and instructors can maintain six feet of social distancing from one another at all times, face coverings or face shields must be worn during in-person educational instruction, however, where an instructor can maintain six feet of social distancing from students, the instructor may remove a face covering or face shield.

      v. *Recess:* Face coverings and face shields may be removed during recess periods provided social distancing can be maintained.

      vi. *Extracurricular & Co-Curricular Activities:* Students, teachers, instructors, directors, coaches, trainers, volunteers, and other personnel, when not engaging in strenuous physical activity or subject to an exemption specified

above, shall wear face coverings or face shields unless six feet of social distancing can be achieved and maintained.

d. *Enforcement:* Schools are responsible for developing and implementing an enforcement plan.

7. **Local Authority:** Nothing in this Executive Order prohibits a county, political subdivision or school corporation from imposing more stringent requirements than this Executive Order.

8. **Other Executive Orders:** This Executive Order shall be read in conjunction with other Executive Orders responding to the COVID-19 pandemic that are still in effect and supersedes any contrary provisions of previous orders.

IT IS SO ORDERED.

IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 24th day of July, 2020.

Eric J. Holcomb
Governor of Indiana

ATTEST: Connie Lawson
Secretary of State