



# THE STATE OF GEORGIA

## EXECUTIVE ORDER

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BY THE GOVERNOR:

- WHEREAS:** On March 14, 2020, due to the impact of COVID-19 on the State of Georgia, I issued Executive Order No. 03.14.20.01, declaring a Public Health State of Emergency in Georgia; and
- WHEREAS:** On March 14, 2020, I issued a Proclamation convening the General Assembly of Georgia in special session on Monday 16, 2020 at 8:00 A.M. for the express purpose of concurring with or terminating the Public Health State of Emergency in accordance with Code Section 38-3-51(a); and
- WHEREAS:** The Georgia General Assembly met in special session and concurred with Executive Order 03.14.20.01 by joint resolution on March 16, 2020, thereby affirming the existence of a Public Health State of Emergency and vesting me with the emergency powers enumerated in Code Section 38-3-50 *et seq.*; and
- WHEREAS:** Georgia law does not require that the General Assembly concur with every rule, regulation, or order the Governor issues in response to a Public Health State of Emergency; the law requires only that the General Assembly concur with the initial existence of such a state of emergency, and the Governor is thereafter charged with ongoing management of a state of emergency; and
- WHEREAS:** On April 8, 2020, I renewed the Public Health State of Emergency until May 13, 2020 by issuing Executive Order 04.08.20.02; and
- WHEREAS:** On April 30, 2020, I renewed the Public Health State of Emergency until June 12, 2020 by issuing Executive Order 04.30.20.01; and
- WHEREAS:** On May 28, 2020, I renewed the Public Health State of Emergency until July 12, 2020 by issuing Executive Order 05.28.20.01; and

- WHEREAS:** On June 29, 2020, I renewed the Public Health State of Emergency until August 11, 2020 by issuing Executive Order 06.29.20.01; and
- WHEREAS:** On July 31, 2020, I renewed the Public Health State of Emergency until September 10, 2020 by issuing Executive Order 07.31.20.01; and
- WHEREAS:** On August 31, 2020, I renewed the Public Health State of Emergency until October 10, 2020 by issuing Executive Order 08.31.20.01; and
- WHEREAS:** On September 30, 2020, I renewed the Public Health State of Emergency until November 9, 2020 by issuing Executive Order 09.30.20.01; and
- WHEREAS:** On October 30, 2020, I renewed the Public Health State of Emergency until December 9, 2020 by issuing Executive Order 10.30.20.01; and
- WHEREAS:** On November 30, 2020, I renewed the Public Health State of Emergency until January 8, 2021 by issuing Executive Order 11.30.20.01; and
- WHEREAS:** On December 30, 2020, I renewed the Public Health State of Emergency until February 7, 2021 by issuing Executive Order 12.30.20.01; and
- WHEREAS:** On January 29, 2021, I renewed the Public Health State of Emergency until March 7, 2021 by issuing Executive Order 01.29.21.01; and
- WHEREAS:** On February 26, 2021, I renewed the Public Health State of Emergency until April 6, 2021 by issuing Executive Order 02.26.21.01; and
- WHEREAS:** On March 31, 2021, I renewed the Public Health State of Emergency until April 30, 2021 by issuing Executive Order 03.31.21.01; and
- WHEREAS:** On April 23, 2021, I renewed the Public Health State of Emergency until May 30, 2021 by issuing Executive Order 04.23.21.01; and
- WHEREAS:** The Governor is vested with the emergency powers cited herein as the Chief Executive of this State; and
- WHEREAS:** The Georgia Constitution, Art. III, § VI, Para. IV provides that no local or special law can contravene a statewide law of general applicability; and

**WHEREAS:** Code Section 38-3-28 provides that “[a]ll orders, rules, and regulations promulgated by the Governor” have the force and effect of law; and

**WHEREAS:** As Chief Executive, the Governor is tasked with protecting the citizens of this State, including during a state of emergency; and

**WHEREAS:** The General Assembly has entrusted the authority to declare a state of emergency to the Governor and vested him with the sole power to direct and manage the statewide response to any such emergency, as Code Section 45-12-30 provides that, “[w]hen, in his opinion, the facts warrant, the Governor shall, by proclamation, declare that, because of unlawful assemblage, violence, overt threats of violence, or otherwise, a danger exists to the person or property of any citizen or citizens of the state and that the peace and tranquility of the state or of any area or political subdivision thereof is threatened, and because thereof an emergency, with reference to said threats and danger, exists. In all such cases, when the Governor shall issue his proclamation he shall be and is further authorized, in coping with said threats and danger, to order and direct any person, corporation, association, or group of persons to do any act which would, in his opinion, prevent danger to life, limb, or property or prevent a breach of the peace; or he may order such person, corporation, association, or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb, or property or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of society; and he shall have full power to enforce such order or proclamation by appropriate means”; and

**WHEREAS:** Code Section 38-3-51(c)(1) vests the Governor with the power to enforce all laws, rules, and regulations relating to emergency management and to assume direct operational control of all civil forces and helpers in the state; and

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

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

**WHEREAS:** The Georgia Constitution, Art. IX, § 2, Para. III(c) grants the General Assembly the ability to regulate, restrict, or limit the powers of local governments by general law; and

**WHEREAS:** To ensure the public's safety and prevent confusion, it is necessary for the State's departments, agencies, and political subdivisions to provide a coordinated response to support the Governor's emergency management rules, regulations, and orders; and

**WHEREAS:** Code Section 38-3-51(d)(2) vests the Governor with the power to utilize all available resources of the state government and of each political subdivision of the state as reasonably necessary to cope with the emergency or disaster, therefore providing the Governor with emergency authority over all resources of every local government of the State; and

**WHEREAS:** Code Section 38-3-51(d)(3) establishes the Governor's emergency authority over the operation of state departments and agencies by vesting the Governor with the power to transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services; and

**WHEREAS:** In addition to the limitations on agency authority during a state of emergency set forth in Code Section 38-3-51, Code Section 38-3-28(a) prohibits political subdivisions of the state from making, amending, or rescinding any orders, rules, and regulations as may be necessary for emergency management that are inconsistent with any orders, rules, or regulations promulgated by the Governor; and

**WHEREAS:** Local rules, ordinances, orders, or mandates that provide for any action more or less permissive than the recommendations and requirements of this Order will result in an incompatible outcome for the uniform response to COVID-19, therefore constituting inconsistency as Black's Law Dictionary defines "inconsistent" as lacking agreement among parts or otherwise not compatible with another fact or claim; and

**WHEREAS:** In accordance with Georgia law, the Governor has ultimate authority over the State's emergency management procedures because, while other agencies and political subdivisions of the State may be directed or authorized to develop and implement emergency management plans, rules, regulations, and emergency rules and regulations, Code Section 38-3-28(a) clearly provides that no such rule, regulation, or order may be inconsistent with the Governor's own emergency management directives; and

**WHEREAS:** I have determined that the following actions are necessary and appropriate to provide for the health, safety, and welfare of Georgia's residents and visitors.

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

**ORDERED:** That any provision of the laws or regulations of this state, including but not limited to Ga. Comp. R. & Regs. R. 150-3-.01 and Ga. Comp. R. & Regs. R. 150-3-0.2-.11, that requires regional dental examinations for the assessment of clinical competencies to be performed on human subjects or on manikin-based typodonts using dental virtual-haptic machine simulation is hereby suspended to the extent necessary to allow dental license applicants to submit results from either the Central Regional Dental Testing Service (CRDTS) or American Board of Dental Examiners (ADEX) manikin-based typodont examinations, conducted with or without the use of virtual haptic machine simulation, taken on or after January 1, 2021 to the Georgia State Board of Dentistry with an application for licensure. The Board of Dentistry shall accept satisfactory results from any such exam as meeting the assessment of clinical competencies regional dental examinations requirement for licensure and, provided all other requirements of licensure are met, shall issue an unrestricted dental license to any such applicant. Licenses issued pursuant to this Order shall not be issued as temporary, provisional, or conditional licenses unless requested by the applicant or otherwise permitted by law or regulation.

**IT IS FURTHER**

**ORDERED:** That nothing in this Order shall be construed to prohibit the suspension or revocation of a dental license by the Board of Dentistry for any lawful reason not related to the provisions of this Order.

**IT IS FURTHER**

**ORDERED:** That if one or more of the provisions contained in this Order shall conflict with the provisions of any previous Executive Order or Agency Administrative Order, the provisions of this Order shall control. Further, in the event of any conflict, the provisions of any Quarantine or Isolation Order issued to a specific person by the Department of Public Health shall control.

**IT IS FURTHER**

**ORDERED:** That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in

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

**IT IS FURTHER**

**ORDERED:** That no provision of this Order shall limit, infringe, suspend, or supplant any judicial order, judgment, or decree issued pursuant to the laws or constitution of this State or the laws or constitution of the United States, nor shall any person use any provision this Order as a defense to an action in violation of a judicial order, judgment, or decree by any court created pursuant to the laws or constitution of this State or the laws or constitution of the United States.

**IT IS FURTHER**

**ORDERED:** This Order does not attempt, nor shall it be construed, to imply that the Governor, in any instance, has the unilateral authority to overturn any judicial order, judgment, or decree.

**IT IS FURTHER**

**ORDERED:** The Office of the Governor may continue to issue guidance on the scope of this Order as needed through communication media, including social media, without need for further Executive Orders.

**IT IS FURTHER**

**ORDERED:** That this Order shall be effective upon signature, and the provisions of the Order shall expire at the conclusion of the Public Health State of Emergency declared in Executive Order No. 03.14.20.01. If the Public Health State of Emergency declared in Executive Order No. 03.14.20.01 is renewed, this Order shall carry forward with the Public Health State of Emergency until such state of emergency is terminated or ceases to be renewed by the Governor.

This 6<sup>th</sup> day of May 2021.

  
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GOVERNOR