



# THE STATE OF GEORGIA

## EXECUTIVE ORDER

---

BY THE GOVERNOR:

### PROTECTING ECONOMIC RECOVERY DURING THE STATE OF EMERGENCY FOR CONTINUED COVID-19 ECONOMIC RECOVERY

- WHEREAS:** On June 30, 2021, due to the ongoing negative impacts of COVID-19 on the State of Georgia, I issued Executive Order No. 06.30.21.01, declaring a State of Emergency in Georgia for Continued COVID-19 Economic Recovery; and
- WHEREAS:** On July 22, 2021, I renewed the State of Emergency for Continued COVID-19 Economic Recovery until August 29, 2021, by issuing Executive Order 07.22.21.01; and
- WHEREAS:** On August 19, 2021, I renewed the State of Emergency for Continued COVID-19 Economic Recovery until September 28, 2021, by issuing Executive Order 08.19.21.01; and
- WHEREAS:** The State is experiencing such state of emergency due to the impacts of COVID-19 on the economy, supply chain, and healthcare infrastructure; and
- WHEREAS:** The Governor is vested with the emergency powers cited herein as the Chief Executive of this State; 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:** 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:** As Chief Executive, the Governor is tasked with protecting the citizens of this State, including during a state of emergency; 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:** 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:** 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 38-3-28(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 this state of emergency, 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:** Throughout the COVID-19 pandemic, Georgians and Georgia businesses have shown that they are capable of implementing COVID-19 safety and prevention measures as necessary in ways that work best for themselves and their businesses; and

**WHEREAS:** The ability of Georgia businesses and events to continue in-person operations with limited government involvement during this State of Emergency is essential for the State to continue to positively respond to the ongoing negative impacts of COVID-19 on Georgia’s economy, supply chain, and healthcare infrastructure; and

**WHEREAS:** In consultation with state economic, healthcare, and emergency preparedness officials, I have determined that the following actions are necessary and appropriate to protect the continued strength of Georgia’s economy and provide for the health, safety, and welfare of Georgia’s residents and visitors.

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

**ORDERED:** That unless otherwise noted herein, all provisions of this Order shall remain effective until the State of Emergency for Continued COVID-19 Economic Recovery declared by Executive Order 06.30.21.01, and renewed by Executive Orders 07.22.21.01 and 08.19.21.01, is terminated or ceases to be renewed by the Governor, the provision expires by the nature of its terms, or the provision is otherwise terminated via subsequent Executive Order.

**IT IS FURTHER**

**ORDERED:** That the following definitions shall apply to this Order:

1. “Convention” shall mean an organized event of more than 100 persons that are required to register or obtain a license to gather for a common purpose at a single indoor facility or grouping of indoor facilities for more than four hours and in some cases for more than one day. Such definition shall include exhibitions, trade shows, conferences, and business retreats. Conventions shall not include any regular operation of a business that occurs on property owned or leased for the exclusive operation of such business. Conventions shall not

include regular religious services, business meetings, sports competitions, or events categorized by Code Section 16-11-173(b)(1)(A).

2. "Live Performance Venue" shall mean any indoor or outdoor location that requires patrons to purchase a license to attend an event featuring live musical, dramatical, automotive, educational, or any other type of entertainment performed before in-person patrons. This definition shall not include restaurants, school, university, college, or technical college classrooms or lecture halls, banquet facilities, private event facilities, private reception venues, weddings, drive-in venues or events, events held as part of a Convention, graduation ceremonies, or indoor or outdoor recreational fields used for amateur sporting events.
3. "Organization" shall mean any business, establishment, corporation, non-profit corporation, organization, event, Convention, Live Performance Venue, or other entity.

**IT IS FURTHER**

**ORDERED:** That any Organization that continues in-person operations during the effective dates of this Order **shall** implement measures which mitigate the exposure and spread of COVID-19 among its workforce and patrons. Such measures **may** include the following:

1. Voluntary implementation of any provision of any county or municipal ordinance, order, rule, or regulation enacted pursuant to emergency authority or a declaration of emergency related to COVID-19; and
2. Any measures that have been proven effective to control the spread of COVID-19; and
3. For Live Performance Venues, additional measures **may** be developed in conjunction with the performer(s), and, if applicable, the organizer(s), promoter(s), or sponsor(s) of the event.

**IT IS FURTHER**

**ORDERED:** That professional, collegiate, or high school sports teams and organizations that engage in practices, games, or other in-person operations during the effective dates of this Executive Order **may** operate solely pursuant to the rules or guidelines that have been promulgated or approved by the respective professional league or applicable conference or association of the sport.

**IT IS FURTHER**

**ORDERED:** No Organization or sports team or organization that continues in-person operations during the effective dates of this Order shall be compelled to enforce any provision of any county or municipal

ordinance, order, rule, or regulation enacted pursuant to emergency authority or a declaration of emergency related to COVID-19.

**IT IS FURTHER**

**ORDERED:** No law enforcement agency shall compel any Organization or sports team or organization that continues in-person operations during the effective dates of this Order to adhere to any provision of any county or municipal ordinance, order, rule, or regulation enacted pursuant to emergency authority or a declaration of emergency related to COVID-19.

**IT IS FURTHER**

**ORDERED:** That pursuant to Code Section 38-3-28, county and municipal governments are authorized and empowered to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes and to supplement the carrying out of this Order, but such orders, rules, and regulations shall not be inconsistent with this Order or any other orders, rules, or regulations promulgated by the Governor or by any state agency exercising a power derived from the State of Emergency for Continued COVID-19 Economic Recovery declaration. For the purpose of this provision, orders, rules, and regulations that are promulgated by county and municipal governments that are more or less restrictive than the terms of this Order shall be considered inconsistent with this Order, unless such provision, order, rule, or regulation is otherwise expressly permitted by the terms of this Order.

**IT IS FURTHER**

**ORDERED:** That the state agencies with primary regulatory authority over the entities listed in this Order and the Commissioner of the Department of Public Safety shall provide resources as requested to assist in the enforcement of this Order.

**IT IS FURTHER**

**ORDERED:** That pursuant to Code Section 38-3-7, any person who violates this Order shall be guilty of a misdemeanor. Officials enforcing this Order should take reasonable steps to provide notice prior to issuing a citation or making an arrest. No provision of this Order shall limit the ability of law enforcement officers to enforce the laws of this State. Particularly, the provisions of Code Section 38-3-4 remain in effect, and all law enforcement is authorized to enforce the Orders issued pursuant to Title 38, Chapter 3.

**IT IS FURTHER**

**ORDERED:** That no Organization or sports team or organization shall be mandated to close for failure to comply with this Executive Order, provided, however, that nothing in this provision shall be construed to prohibit the closure of an Organization or sports team or organization by appropriate authorities for any other lawful reason.

**IT IS FURTHER**

**ORDERED:** That pursuant to Code Sections 38-3-28 and 38-3-51, enforcement of any county or municipal ordinance, order, rule or regulation that is more or less restrictive than this Order and is not otherwise expressly permitted by the terms herein is hereby suspended.

**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 Georgia Department of Public Health shall control.

**IT IS FURTHER**

**ORDERED:** That nothing in this Order shall be construed to suspend or limit the sale, dispensing, or transportation of firearms or ammunition, or any component thereof.

**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.

This 19<sup>th</sup> day of August 2021.

A handwritten signature in black ink, appearing to be 'B. L.', is written above a horizontal line.

**GOVERNOR**