THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

EMPOWERING A HEALTHY GEORGIA

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: On May 28, 2021, I renewed the Public Health State of Emergency until June 29, 2021 by issuing Executive Order 05.28.21.01; 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: To ensure the Governor is equipped with all resources necessary to respond to a public health state of emergency, the General Assembly has vested him with the option to delegate expanded powers to the Department of Public Health in such an event as Code Section 38-3-51(i) provides that the Governor ***may*** direct the Department of Public Health to coordinate all matters pertaining to the response of the state to a public health emergency; and

WHEREAS: Pursuant to Code Section 38-3-51(i), in Executive Order 03.14.20.01, I instructed the Department of Public Health to coordinate with the Georgia Emergency Management and Homeland Security Agency to take any action necessary to protect the public's health, including, without limitation:

(1) Planning and executing public health emergency assessments, mitigation, preparedness response, and recovery for the state;
(2) Coordinating public health emergency responses between state and local authorities;
(3) Establishing protocols to control the spread of COVID-19;
(4) Coordinating recovery operations and mitigation initiatives;

(5) Collaborating with appropriate federal government authorities, elected officials of other states, private organizations, or private sector companies;
(6) Organizing public information activities regarding the state's public health emergency response operations, including educating the public on prevention of the spread of COVID-19 based on Centers for Disease Control and Prevention's guidelines and the best scientific evidence available;
(7) Providing special identification for public health personnel involved in this Public Health State of Emergency;
(8) For all persons meeting the Centers for Disease Control and Prevention's definition of a Person Under Investigation ("PUI"), implementing a program of active monitoring, which may include a risk assessment within twenty-four (24) hours of learning that the person meets the PUI criteria and twice-daily temperature checks for a period of at least fourteen (14) days or until the PUI tests negative for COVID-19; and
(9) Implementing quarantine, isolation, and other necessary public health interventions consistent with Code Sections 31-12-4 and 38-3-51(i)(2) or as otherwise authorized by law.

WHEREAS: Notwithstanding said broad instructions, the authority delegated to the Department of Public Health is subject to the limitations of Code Section 38-3-28(a), and such delegation did not lessen or relinquish the Governor's superior emergency management powers; and

WHEREAS: Georgia law grants the Department of Public Health other duties and authority for general and emergency disease prevention and control; and

WHEREAS: Code Sections 31-2A-4 and 31-12-4 vests the Department of Public Health with the power to segregate and isolate certain individuals with certain communicable diseases or conditions when said individuals' exposure to the general population is likely to endanger the health of others; and

WHEREAS: To ensure advance preparation for a public health emergency, the Georgia legislature has provided in Code Section 31-12-3(a) that the Department of Public Health may require vaccinations or other measures to prevent the conveyance of infectious matter from infected persons to other persons as may be necessary and appropriate, although this Code Section does not vest sole power in the Department to do so and the rules and regulations promulgated by the Department to provide for the implementation of such measures during a public health state of emergency must be adopted pursuant to Chapter 13 of Title 50, the "Georgia Administrative Procedure Act,"; and

WHEREAS: Code Section 38-12-2.1 provides that in the event of a public health emergency, the Department of Public Health shall carry out certain investigatory duties relating to the identification of the illness or health condition, the source thereof, and infected or potentially infected persons, and shall promulgate rules and regulations appropriate for management of any declared public health emergency; and

WHEREAS: The Department of Public Health is also authorized to adopt and implement emergency rules and regulations pursuant to the provisions of subsection (b) of Code Section 50-13-4; however, all such rules, regulations, and emergency rules and regulations remain subject to the provisions of Code Section 38-3-51(i); and

WHEREAS: The various public health emergency related powers designated to the Department of Public Health are not mutually exclusive, and pursuant to Code Section 38-3-51, are subject to the Governor's own emergency management orders; 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: The State of Georgia implemented a COVID-19 vaccine distribution program in December of 2020;

WHEREAS: The vaccine distribution program has been successful in vaccinating a significant percentage of Georgia's healthcare workers, elderly population, first responders, educators, medically fragile population, and other hardworking Georgians;

WHEREAS: As a result of the state's successful vaccine distribution program, ample supply of COVID-19 tests and Personal Protective Equipment, improved treatment methods for COVID-19 patients, and Georgia residents' efforts to minimize the spread of COVID-19 through social distancing, wearing face coverings, and hand sanitization, COVID-19 hospitalizations and the rate of new COVID-19 cases have steadily declined;

WHEREAS: In consultation with public health and emergency preparedness officials, I have determined that the following actions are necessary and appropriate to protect the strength of Georgia's economy and provide for the health, safety, and welfare of Georgia's residents and visitors as they resume conducting normal activities with reduced COVID-19 related restrictions.

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

I. EFFECTIVE DATE

ORDERED: That unless otherwise noted, the provisions contained in this Order shall be effective from May 31, 2021 at 12:00 A.M. until June 15, 2021 at 11:59 P.M.

II. DEFINITIONS

IT IS FURTHER

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

1. "Local Option Face Covering Requirement" shall mean a requirement imposed by a municipal, county, or other government entity that individuals wear face masks or face coverings when not able to maintain Social Distancing from non-cohabitating persons that is permitted by the terms of this Executive Order.
2. "Long-Term Care Facility" shall include all:
    A. "Intermediate care facilities," "personal care homes," and "skilled nursing facilities" as defined by Code Section 31-6-2;

B. "Nursing homes" as defined by Ga. Comp. R. & Regs. r. 111-8-56-.01(a);
C. "Inpatient hospice" as defined by Code Section 31-7-172 and licensed pursuant to Code Section 31-7-173;
D. "Assisted living communities" and all facilities providing "assisted living care" pursuant to Code Section 31-7-12.2;
E. "Community living arrangements" as classified by the Department of Community Health pursuant to Code Section 31-2-4(d)(8); and
F. "Community integration homes" operated by the Georgia Department of Behavioral Health and Developmental Disabilities.

3. "Organization" shall mean any business, establishment, corporation, non-profit corporation, organization, convention, event, or other entity.
4. "Personal Protective Equipment" shall mean surgical masks, N95 masks, respirators, other face masks, protective gloves, protective clothing, protective garments, and shoe coverings.
5. "Threshold Requirement" shall mean the prevalence in a county of confirmed cases of COVID-19 over the previous fourteen (14) days is equal to or greater than one hundred (100) cases per one hundred thousand (100,000) people according to the Georgia Department of Public Health.
6. "Worker" shall include employees, independent contractors, agents, volunteers, or other representatives of an Organization.

III. HEALTHCARE

IT IS FURTHER

ORDERED: That Long-Term Care Facilities' visitation policies shall comply with the Georgia Department of Public Health's Long-Term Care Facility Administrative Order. This provision shall be strictly enforced upon Long-Term Care Facilities.

IT IS FURTHER

ORDERED: That Long-Term Care Facilities ***shall*** implement measures and protocols to prevent the spread of COVID-19 and shall adhere to Centers for Disease Control and Prevention, Centers for Medicare & Medicaid Services, and Georgia Department of Public Health guidance.

IT IS FURTHER

ORDERED: That the Georgia Department of Public Health is authorized to issue directives under this Order to monitor, treat, prevent, reduce the spread of, and suppress COVID-19 in Long-Term Care Facilities throughout Georgia. These directives shall be coordinated among the Georgia Department of Public Health, Georgia National Guard, and the Georgia Department of Community Health.

IT IS FURTHER

ORDERED: That compliance with Georgia Department of Public Health, Georgia Department of Community Health, and Georgia National Guard directives and guidance shall be mandatory for all Long-Term Care Facilities.

IT IS FURTHER

ORDERED: That pursuant to Code Section 38-3-51(d)(4.1), in the event of noncompliance by a Long-Term Care Facility with this Order or a directive issued subject to this Order, the Georgia Department of Public Health may, after taking reasonable steps to provide notice and an opportunity to comply, assume management and supervision of the Facility.

IT IS FURTHER

ORDERED: That the Adjutant General of the Georgia National Guard and the Commissioner of the Department of Public Safety shall provide available resources as requested to assist the Georgia Department of Public Health in the enforcement of all applicable provisions of this Order.

IT IS FURTHER

ORDERED: That nothing in this Order shall prohibit community ombudsmen as defined in Code Section 31-8-132(2) or the state ombudsman as defined in Code Section 31-8-132(8) from having access to or performing inspections of Long-Term Care Facilities pursuant to Code Section 31-8-55.

IT IS FURTHER

ORDERED: That nothing in this Order shall prohibit individuals providing support coordination services through funding from the Georgia Department of Behavioral Health and Developmental Disabilities

pursuant to Code Sections 37-5-1 *et seq.* from having access to or conducting health and safety visits within Long-Term Care Facilities.

IT IS FURTHER

ORDERED: That, pursuant to U.S. Department of Health and Human Services guidance, any requirement of the laws or regulations of this state, including but not limited to Code Section 43-34-26.1, which limits the types of vaccines pharmacists or nurses may administer is hereby suspended to the extent necessary to allow pharmacists and nurses to administer a COVID-19 vaccination, with or without a vaccine protocol agreement. Such administration shall be in accordance with the Advisory Committee on Immunization Practices (ACIP) guidelines. This provision shall become effective upon signature and 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 provision of 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.

IT IS FURTHER

ORDERED: That any requirement of the laws or regulations of this state, including but not limited to Code Section 43-34-26.1, which requires vaccine recipients to remain under the observation of the administering pharmacist or nurse for a period of not less than 15 minutes immediately subsequent to the administration of the vaccine is hereby suspended to the extent necessary to allow any pharmacist or nurse to observe COVID-19 vaccine recipients for a period of not less than 15 minutes immediately subsequent to the administration of a COVID-19 vaccine. This provision shall become effective upon signature and 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 provision of 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.

IT IS FURTHER

ORDERED: That any provision of the laws of regulations of this state, including but not limited to Code Section 43-34-26.1, which prohibits a pharmacist or nurse from administering a vaccine to a patient while the patient remains in his or her vehicle is hereby suspended to the extent necessary to allow a pharmacist or nurse to administer a

COVID-19 vaccine to a patient while the patient remains in his or her vehicle. This provision shall become effective upon signature and 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 provision of 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.

IT IS FURTHER

ORDERED: That any provision of the laws of regulations of this state, including but not limited to Code Section 26-4-82(e) and Ga. Comp R. & Regs. R. 480-15-.03(f), which limits the number of pharmacy interns, as defined by Code Section 26-4-5(19), that a pharmacist may be assisted by and directly supervise is hereby suspended to the extent necessary to allow a pharmacist to be assisted by and directly supervise more than one (1) pharmacy intern at a time for the limited purpose of supporting COVID-19 vaccination efforts. This provision shall become effective upon signature and 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 provision of 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.

IT IS FURTHER

ORDERED: That any provision of the laws or regulations of this state, including but not limited to Code Sections 43-11-1 and 43-11-17, which prohibits licensed dentists, as defined by Code Section 43-11-1(10), from administering vaccinations is hereby suspended to the extent necessary to allow licensed dentists to administer a COVID-19 vaccination for the limited purpose of providing COVID-19 vaccine administration in partnership with the Georgia Department of Public Health. Any such vaccine administration shall be in accordance with the Georgia Department of Public Health guidelines. This provision shall become effective upon signature and 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 provision of 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.

IV. EDUCATION & CHILDREN

IT IS FURTHER

ORDERED: That Executive Order 05.28.21.01 is hereby amended to the extent that the Public Health State of Emergency renewed therein is limited in the scope of its powers so that it does not include the authority for local school districts to rely on the Public Health State of Emergency as a basis for requiring students or Workers to wear a face covering while present on school district campuses.

IT IS FURTHER

ORDERED: That the State Board of Education shall provide rules, regulations, and guidance for the operation of public elementary and secondary schools for local boards of education relying on Code Section 20-2-168(c)(2) to depart from a strict interpretation of the definition of "school year," "school month," or "school day." Such rules, regulations, and guidance promulgated by the State Board of Education shall adhere to, and shall not conflict with, guidance issued by the Georgia State Health Officer, the Georgia Department of Public Health, and the American Academy of Pediatrics.

IT IS FURTHER

ORDERED: That nothing in this Order shall prevent any school, technical school, college, or university from requiring faculty and Workers to attend meetings or other necessary activities at a school or facility for the purpose of supporting distance learning, research, administration, maintenance, or preparation for the 2020-2021 school year.

IT IS FURTHER

ORDERED: That any requirement of the laws or regulations of this state, including but not limited to Code Section 20-3-519(27), that graduates of eligible high schools, as defined by Code Section 20-3-519(6), receive a qualifying standardized college admission test score prior to high school graduation in order to qualify as a Zell Miller Scholarship Student is hereby suspended for all such students that have graduated or will graduate high school in the year 2020 or between January 1, 2021 and June 30, 2021. The Georgia Student Finance Commission shall be authorized to: (a) extend the deadline by which said students must submit a qualifying standardized college admission test score for purposes of Zell Miller Scholarship eligibility to June 30, 2021 for 2020 graduates and to June 30, 2022 for students that graduate between January 1, 2021 and June 30, 2021; (b) to establish rules and procedures for retroactively awarding Zell

Miller Scholarships to those students who submit a qualifying standardized college admission test score in accordance with the extended deadline provided that they met any applicable Zell Miller Scholarship checkpoint requirements; and (c) to establish rules and procedures whereunder HOPE scholarship funds issued to incoming freshman students that later qualify for the Zell Miller Scholarship in accordance with the extended deadline provided for herein shall be returned.

IT IS FURTHER

ORDERED: That any requirement of the laws or regulations of this state, including but not limited to Code Section 20-3-519(27), that graduates of ineligible high schools, meaning ones that do not meet the definition of Code Section 20-3-519(6), or graduates of home study programs meeting the requirements of Code Section 20-2-690(c) must receive a qualifying standardized college admission test score prior to high school graduation or home study completion in order to qualify as Zell Miller Scholarship Students is hereby suspended for all such students that graduate or complete home study between March 14, 2020 and June 30, 2021. The Georgia Student Finance Commission shall be authorized to: (a) extend the deadline by which said students must submit a qualifying standardized college admission test score for purposes of Zell Miller Scholarship eligibility to June 30, 2021 for those students that graduate or complete home study between March 14, 2020 and December 31, 2020 and to June 30, 2022 for such students that graduate or complete home study between January 1, 2021 and June 30, 2021; and (b) to establish rules and procedures for retroactively awarding Zell Miller Scholarships to those students who submit a qualifying standardized college admission test score in accordance with the extended deadline provided that they met any applicable Zell Miller Scholarship checkpoint requirements.

IT IS FURTHER

ORDERED: That any requirement of the laws or regulations of this state, including but not limited to Code Section 20-3-519.2, that graduates of ineligible high schools, meaning those that do not meet the definition of Code Section 20-3-519(6), students that completed home study programs meeting the requirements of Code Section 20-2-690(c), or recipients of general education development (GED) diplomas receive a score in the seventy-fifth percentile or higher nationally on a standardized college admission test prior to graduation, home study completion, or earning the GED in order to qualify for a HOPE Scholarship is hereby suspended for all such students that graduate, complete home study, or earn a GED

between March 14, 2020 and June 30, 2021. The Georgia Student Finance Commission shall be authorized to: (a) extend the deadline by which said students must submit a qualifying standardized college admission test score for purposes of HOPE Scholarship eligibility to June 30, 2021 for those students that graduate, complete home study, or earn a GED between March 14, 2020 and December 31, 2020 and to June 30, 2022 for such students that graduate, complete home study, or earn a GED between January 1, 2021 and June 30, 2021; and (b) to establish rules and procedures for retroactively awarding HOPE Scholarships to those students who submit a qualifying standardized college admission test score in accordance with the extended deadline provided that they met any applicable HOPE Scholarship checkpoint requirements.

IT IS FURTHER

ORDERED: That Code Section 15-11-2(10) relating to the definition of "child" is suspended for the limited purpose of ensuring that persons in the care of the Georgia Division of Family & Children Services who age out of the definition of "child" during the Public Health State of Emergency shall be eligible to remain in their placement and continue to receive services for a duration of ninety (90) days following the termination of the Public Health State of Emergency or any extension thereof. This suspension shall apply to Code Section 15-11-2(10), effective until July 1, 2020, and upon expiration to Code Section 15-11-2(10), effective July 1, 2020. Any Georgia Division of Family & Children Services policies shall also align with this provision.

IT IS FURTHER

ORDERED: That no provision of this Order shall limit, infringe, suspend, or supplant any custodial arrangements created 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 of this Order as a defense to an action in violation of a custodial arrangement 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: To the extent that any provision of Section IV of this Order, titled "Education & Children," directly conflicts with any provision of Section V of this Order, titled "Governments," the provision in Section IV shall control.

V. GOVERNMENTS

IT IS FURTHER

ORDERED: That for the purposes of Code Section 48-5-311(e)(6A), "in-person" appearances before county boards of equalization may occur via remote communications, including, but not limited to, video teleconference. This provision shall be implemented consistent with Ga. Comp. R. & Regs. r. 560-11-12-.02, which requires hearings before county boards of equalization to "only be as formal as is necessary to preserve order and be compatible with the principles of justice." Further, this provision does not abrogate the requirement that county boards of equalization comply with the Georgia Open Meetings Act. Further, decisions of county boards of equalization may be transmitted electronically if all parties consent at the time of the hearing.

IT IS FURTHER

ORDERED: That any purported requirement under the laws of this state requiring original signatures and raised corporate seals related to construction surety bonds required under Code Sections 13-10-40-65, 32-2-70, 36-91-1, 36-91-2, 36-91-50 and 36-91-70-93 and commercial surety bonds required or permitted under numerous other statutes are suspended for the limited purpose of providing that public procurement officers shall accept electronic signatures and electronic corporate seals as provided by the provisions of Code Sections 10-12-2 *et seq.* and 33-24-14 and any construction surety bond or commercial surety bond may be executed electronically if all the following requirements are met:

1. The document is notarized pursuant to the requirements of Executive Order 04.09.20.01; and
2. If requested by the procurement officer, the original shall be provided within seven (7) business days.

IT IS FURTHER

ORDERED: That the requirements of Code Section 36-70-27 and 50-8-8 are hereby suspended to the extent that they would prevent local governments from being eligible to receive state funding for expenditures made during the current Public Health State of Emergency related to the prevention, treatment, or mitigation of COVID-19.

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 Public Health State of Emergency 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 pursuant to Code Section 38-3-28, other than orders issued pursuant to the authority of Code Section 38-3-60 *et seq.*, any state, county, or municipal law, order, ordinance, rule, or regulation that requires persons to wear face coverings, masks, face shields, or any other Personal Protective Equipment while in places of public accommodation or on public property are suspended to the extent that they are more restrictive than this Executive Order or any such law, order, ordinance, rule, or regulation expressly permitted by this Executive Order.

IT IS FURTHER

ORDERED: That municipalities, counties, and other governmental entities located in counties that have reached the Threshold Requirement are hereby permitted to impose a Local Option Face Covering Requirement; however, local governmental entities are not required to impose a Local Option Face Covering Requirement even if the Threshold Requirement is reached.

IT IS FURTHER

ORDERED: If a local government entity meets the Threshold Requirement and chooses to impose a Local Option Face Covering Requirement, such Local Option Face Covering Requirement must comply with the following:

1. The Local Option Face Covering Requirement shall not be applied to individuals who are eating or drinking, those who have difficulty donning or removing a face mask or face

covering without assistance, those who have a bona fide religious objection to wearing a face mask or face covering, or those who have a bona fide medical reason not to wear a face mask or face covering;

2. The Local Option Face Covering Requirement shall not give rise to any fines, fees, penalties (criminal or otherwise) or other cause of action against any private Organization;
3. The Local Option Face Covering Requirement shall not give rise to any fines, fees, or penalties in excess of fifty dollars ($50.00) against any person per offense, nor shall it be punishable by imprisonment for any term;
4. Enforcement measures may only be taken against individuals. Owners, directors, officers, or agents of any Organization may not be held liable for the failure of their customers to comply with any Local Option Face Covering Requirement;
5. The Local Option Face Covering Requirement shall not be enforced at any Polling Place, as defined under Code Section 21-2-2(27), and no individual shall be denied ingress or egress to or from a Polling Place for failure to wear a face covering or face mask;
6. The Local Option Face Covering Requirement cannot be enforced against individuals on residential property; and
7. The Local Option Face Covering Requirement may be enforced against individuals on private property where the owner or occupant of the property consents to enforcement. Organizations may be required to post reasonable public notice of a Local Option Face Covering Requirement and state whether such Organization consents to enforcement or does not consent to enforcement of such requirement on its property.

IT IS FURTHER

ORDERED: Local government entities who choose to impose a Local Option Face Covering Requirement shall warn noncompliant individuals about the health risks posed by not wearing a face mask or face covering prior to issuing any citation and shall make good faith, reasonable efforts to distribute free masks in their jurisdictions to individuals who cannot afford a face mask or face covering. A person who is found in violation of any Local Option Face Covering Requirement and who cannot afford a face mask or face covering shall be provided one at the municipality, county, or other governmental entity's expense.

IT IS FURTHER

ORDERED: That municipalities, counties, and other government entities shall have the authority to control terms of entry onto property owned or leased by the municipality, county, or other government authority, board, bureau, or commission regardless of whether the Threshold Requirement is met. Controlling terms of entry may include requiring employees or other individuals present on municipality, county, or other government authority, board, bureau, or commission's owned or leased property to wear a face mask or face covering; however, no individual shall be denied ingress or egress to or from a Polling Place, as defined under Code Section 21-2-2(27), for failure to wear a face covering or face mask.

IT IS FURTHER

ORDERED: That for any weapons carry license or renewal license that expires during the Public Health State of Emergency, the application for renewal of such weapons carry license or renewal license made pursuant to Code Section 16-11-129 shall be considered to be for a renewal license if the holder of such weapons carry license or renewal license applies within 120 days after the expiration date on the face of license.

IT IS FURTHER

ORDERED: That any provision of the laws or regulations of this state, including but not limited to Code Section 40-5-21.1, that limits the time period for which a noncitizen who holds a Georgia driver's license or identification card may be issued a temporary driving permit or identification card to 120 days from the date of expiration of his or her valid driver's license or identification card is hereby suspended to the extent necessary to allow noncitizen holders of a Georgia driver's license or identification card, whose driver's license or identification card expired on or after March 14, 2020, who have already been issued the 120 day temporary driving permit or identification card permitted under Code Section 40-5-21.1, and have filed, or on whose behalf has been filed, a request for an extension with the United States Department of Homeland Security, or similar such federal issuing agency, for time to remain lawfully within the United States and said request is still pending, to apply to the Georgia Department of Driver Services for one or more additional 120 day temporary driving permits or identification cards. Any such temporary driving permit or identification card shall be issued in accordance with existing procedures established by the Georgia Department of Driver Services and in the sole discretion of the Commissioner of the Georgia Department of Driver Services. The

Georgia Department of Driver Services shall be authorized to issue additional guidelines and procedures for the application and issuance of said temporary driving permits and identification cards as needed. Nothing in this Order shall be construed to suspend or otherwise alter any existing identity or lawful status verification requirements established by the Georgia Department of Driver Services to comply with federal REAL ID requirements. This provision shall become effective upon signature and 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 provision of 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.

IT IS FURTHER

ORDERED: That nothing in this Order shall relieve municipalities, counties, or other local government entities from the obligations set forth under Georgia law, including but not limited to Code Sections 9-13-11, 9-13-160 *et seq.*, 48-4-3, and 15-16-10, to conduct public auctions through statutory levy processes and otherwise enforce writs of fieri facias.

IT IS FURTHER

ORDERED: That strict compliance with Code Section 45-20-16 and Ga. Comp. R. & Regs. r. 478-1-.16(12) shall be suspended for the limited purposes of (1) allowing all employees, as defined by Ga. Comp. R. & Regs. r. 478-1-.02(14), but not including temporary employees as defined by Ga. Comp. R. & Regs. r. 478-1-.02(34), to use up to eight (8) hours of emergency office closure leave for the purpose of receiving a COVID-19 vaccine, provided that any employee who uses emergency office closure leave for the purpose of receiving a COVID-19 vaccine shall provide proof of said vaccination to his or her supervisor, and (2) allowing employees who receive a COVID-19 vaccine and experience negative side effects from said vaccine, the severity of which prohibit him or her from being able to perform his or her duties of employment, to use up to sixteen (16) hours of emergency office closure leave for recovery from said side effects, provided that any employee who uses emergency office closure leave for the purpose of recovering from negative side effects of a COVID-19 vaccine shall provide documentation of such negative side effects from a medical provider to his or her supervisor, if so requested. This provision shall become effective upon signature and 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 provision of 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.

VI. ENFORCEMENT

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 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 by appropriate authorities for any other lawful reason.

IT IS FURTHER

ORDERED: That pursuant to Executive Order 04.02.20.01 and Code Section 38-3-51, enforcement of any county or municipal ordinance or order that is more or less restrictive than this Order and is not otherwise expressly permitted by the terms herein is hereby suspended.

VII. MISCELLANEOUS

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.

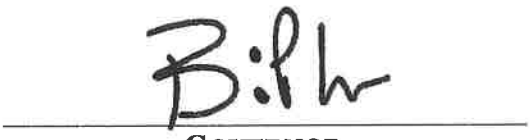
IT IS FURTHER

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 28th day of May 2021.



GOVERNOR