

# STATE OF INDIANA

## EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER 21-13

**FOR: RECISSION OF DIRECTIVES AND RESTRICTIONS IMPOSED TO ADDRESS THE CORONAVIRUS (COVID-19) EMERGENCY**

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 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 subsequent Executive Orders (Executive Orders 20-17, -25, -30, -34, -38, -41, -44, -47, -49, -52, 21-03, -05, -08 & -11);

**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 730,000 confirmed cases and over 13,000 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,** in order to take all necessary steps to increase containment of this virus, I have issued various Executive Orders directing Hoosiers to stay-at-home order, closing of state government buildings and restricting retail establishments and in-person dining at restaurants, among other things;

**WHEREAS,** by consulting with experts and utilizing a data-driven approach to make decisions based on facts, science, and recommendations from experts in health care, business, labor, and education, we began to reopen our Hoosier economy while prioritizing Hoosiers' health in the process;

**WHEREAS,** to continue mitigation of COVID-19 and to lower the risk of a resurgence, a measured approach to reopening businesses and entities was instituted and was followed by focusing on the impact in individual counties to address and mitigate the impact of COVID-19;

**WHEREAS,** improvements have occurred which demonstrate the spread of COVID-19 in the Hoosier state and in other areas can be significantly reduced where there is adherence to mitigation efforts;

**WHEREAS,** to address the COVID-19 pandemic within the Hoosier state, I used my emergency management authority to nimbly react to a rapidly changing situation and suspended certain regulatory statutes which were impeding the health, safety and welfare of Hoosiers and wellbeing of Hoosier businesses.

**WHEREAS,** certain directives are no longer needed to address the impact of the pandemic and can be rescinded provided, however, executive agencies and other governing bodies are given a limited amount of time to ensure an effective and smooth transition from the directives in an Executive Order;

**WHEREAS,** the Indiana General Assembly has found that certain directives implemented through prior Executive Orders will benefit Hoosiers under all circumstances and has now codified them into law.

**WHEREAS,** as certain directives, now codified into law, are currently in effect and others will become effective on July 1, 2021, it is, or will be, no longer necessary to continue these directives by an Executive Order; however, it is also important to ensure executive agencies and other governing bodies have a limited amount of time to ensure an effective and smooth transition from the directives in an Executive Order to new laws; and

**WHEREAS,** based on all of the above, while certain mitigation efforts and other measures must continue as COVID-19 pandemic continues, the State of Indiana may withdraw or rescind certain measures and restrictions which are no longer needed to counter the impact of COVID-19.

**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. *Open Door Provisions:* The directives in Executive Orders 20-04 ¶5 and 20-09 ¶4 pertaining to virtual meetings by governing bodies are rescinded given the enactment of HEA 1437-2021 which became effective upon passage and is codified at Ind. Code §§ 5-14-1.5-3.5 & -3.7.

HEA 1437-2021 permits 100% virtual meetings to conduct any and all business so long as an emergency declaration is in place. See Ind. Code § 5-14-1.5-3.7 (“the members of a governing body are not required to be physically present at a meeting until the disaster emergency or local disaster emergency is terminated”).

HEA 1437-2021, now codified at Ind. Code § 5-14-1.5-3.5 & 3.6, sets forth the process governing bodies must follow to allow virtual participation both when an emergency exists and when it does not, and such processes must be followed.

2. *Public Record Time Frames:* The directives in Executive Orders 20-04 ¶5 and 20-09 ¶4 pertaining to extending time frames for the handling of public records requests and the manner in which requests are to be made are rescinded and will cease on June 1, 2021.
3. *Workforce/Unemployment Provisions:* Certain directives in Executive Order 20-05 ¶1(a), (b), and (c) are rescinded and will cease on June 1, 2021 as identified below. Beginning on June 1, 2021:
  - a. the Department of Workforce Development (DWD) is directed to resume its pre-pandemic interpretation of its statutes, including that individuals receiving unemployment benefits:
    - i) are actively seeking full time work;
    - ii) are able and available for full time work;
    - iii) participate in job counseling services when required;
    - iv) can establish good cause for any separation from employment; and
    - v) file timely claims for unemployment benefits; and
  - b. the DWD is directed to return to charging employers for their own layoffs instead of charging the pooled fund.

4. *Veteran Assistance:* The directives in Executive Order 20-05 ¶3 permitting Military Family Relief Fund benefits to be paid even if hardship was not connected to military service or if applicant had no active-duty war service and permitting the Director of the Indiana Department of Veteran Affairs to approve awards in excess of \$2,500.00 will be rescinded on June 30, 2021, given the enactment of SEA316-2021 now codified at Ind. Code § 10-17-12-7.5 which becomes effective July 1, 2021.
5. *Telehealth Provisions:* The directives in Executive Orders 20-05 ¶¶ 2(B) & 10(D); 20-12 ¶3; 20-13 ¶5 permitted an expansion of telehealth services so that Hoosiers could continue to receive needed health care services in a safe and effective manner. The Indiana General Assembly has enacted SEA003-2021 and HEA 1468-2021 which, among other things, codifies and makes permanent an expansion of telehealth services. This law became effective upon passage and is in effect. To ensure health care providers have a seamless transition in implementing the provisions of SEA003-2021 and HEA 1468-2021, any of the directives listed in these Executive Orders listed above will remain effective for sixty (60) days from the date of this Executive Order at which time they will be rescinded and cease unless further extended.
6. *Pharmacies and Pharmacy Technicians:*
  - a. The directive in Executive Order 20-12 ¶4(A) permitting the ratio of pharmacist to pharmacy technician to increase from 1:6 to 1:8 will rescind and cease on June 30, 2021, as HEA 1468-2021, which will become effective July 1, 2021, will permit a ratio of pharmacist to pharmacy technician of 1:8 and is found in Ind. Code § 25-26-13-18.5.
  - b. The directive in Executive Order 20-12 ¶4(B) which suspended the direct supervision requirement by a pharmacist over a pharmacy technician to permit pharmacy technicians to work remotely for data processing and other non-dispensing tasks will also be rescinded and cease on June 30, 2021, as HEA 1468-2021, which will be effective July 1, 2021, now permits a pharmacy technician to work remotely for non-dispensing job responsibilities and is found in Ind. Code § 25-26-13-18.5.
7. *Home Health Agencies:* The directive in Executive Order 20-20-19 ¶1 permitting home health agencies to accept written orders for home health services from advanced practice registered nurses and physician assistants is rescinded as HEA 1468, which became effective on passage, now permits the same. Ind. Code § 16-27-1-16.
8. *Data Sharing Requirements:* The directives in various Executive Orders allowing a greater sharing of health information to combat COVID-19 and to ensure primary care health care providers had access to COVID-19-related information for their patients are rescinded and cease as such provisions have now been codified by HEA 1203-2021 and these new laws became effective upon passage. The directives now rescinded are EO 20-12 ¶2 (communicable disease information), EO 20-23 ¶8 (conducting a public health study), EO 20-27 ¶5 (sharing COVID test results) and EO 20-51 ¶4 (sharing vaccination/immunization information).
9. *Collaborative Care for Older Youth:* The directive in Executive Order 20-31 ¶1 authorizing the Department of Child Services to continue providing collaborative care services for youths who have exceeded the age of twenty-one (21) years for the duration of the public health emergency will be rescinded and cease on June 30, 2021 as this provision has been codified by HEA 1536-2021, amending Ind. Code § 31-28-5.8-5, and will become effective July 1, 2021.
10. *Standby Guardian Designations:* The directive in Executive Order 20-19 ¶4 allowing appointment by a parent of a Standby Guardian only be witnessed by a single person rather than be notarized will be rescinded and cease as of June 1, 2021 and as of that date all appointments must be notarized as required by Ind. Code § 29-3-3-7(c).
11. *Depository Rule:* The directive in Executive Order 20-09 ¶4 which permitted the deposits of public funds to be made no less than twice weekly will be rescinded and cease on June 1, 2021 as governing bodies are now able to again make deposits within 24 hours of receipt of funds as required by Ind. Code § 5-13-6-1.

12. *Conducting Annual Business Meetings Remotely:* The directives in Executive Order 20-23 ¶3 allowing for profit and non-profit corporations to conduct annual business meetings remotely will be rescinded and cease on June 30, 2021. See Ind. Code §§ 23-1-29-1, 23-17-10-1 & 23-17-15-1.

13. *Alcohol Beverage Permits and Restrictions:*

- a. The directive in Executive Order 20-11 ¶ 1 allowing certain retail restaurant locations to fill growlers and sell alcoholic beverages for carryout and will be rescinded and cease on June 30, 2021.
- b. The directives in Executive Order 20-11 ¶ 2 and Executive Order 20-14 ¶ 3 excluding carryout alcohol sales made during the duration of the declared emergency from counting toward the restaurants carryout sales under Ind. Code § 7.1-3-20-9.5 (requiring at least 60% of alcohol be sold for on-premises consumption) will be rescinded and cease on June 30, 2021.
- c. The directive in Executive Order 20-14 ¶ 3(a) permitting a restaurant employee to bring alcoholic beverages to an area adjacent to the permit premises for the purpose of completing a transaction will be rescinded and cease on June 30, 2021, as this provision has been codified in HEA 1396-2021 which becomes effective July 1, 2021.
- d. The directives in Executive Order 20-23 ¶¶ 4 & 5 pertaining to documents submitted during permit hearings will be rescinded and cease as of June 30, 2021, as in-person meetings and hearings resume.
  - i) Specifically, a property tax clearance Form 1 must once again include an embossed seal of the county treasurer for the application of a new, transfer, or renewal alcoholic beverage permit as required by Ind. Code § 7.1-3-21-15.
  - ii) Additionally, an applicant for a new or transfer alcoholic beverage permit in a county having a consolidated city must again provide documentation required by Ind. Code §§ 7.1-3-1-5.5 and 7.1-3-1-5.6 at the public hearing and will no longer be permitted to provide the documentation after the hearing.

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 11<sup>th</sup> day of May, 2021.



Eric J. Holcomb  
Governor of Indiana

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ATTEST:  
Holli Sullivan  
Secretary of State