

## State of Iowa COVID-19 Response Part 1

Below is a summary of the of Governor Reynold's tenth Emergency Disaster Proclamation compiled by attorneys Tim Coonan and Sydney Gangestad.

Her actions are authorized by Iowa Code Chapter 29C, Emergency Management and Security.

### Part 1 of the Proclamation

	Admin/Code Sections Impacted	Summary
<b>Protection of Vulnerable Iowans</b>		
Section 1		Governor encourages all vulnerable Iowans, including those with preexisting medical conditions and those older than 65, in all counties to continue to limit their activities outside of the home, including visits to businesses and other establishments and participation in gatherings of any size/purpose
<b>ALL counties EXCEPT: Allamakee, Benton, Black Hawk, Bremer, Dallas, Des Moines, Dubuque, Fayette, Henry, Iowa, Jasper, Johnson, Linn, Louisa, Marshall, Muscatine, Polk, Poweshiek, Scott, Tama, Washington, or Woodbury</b>		
Section 2		<p>Reopening of certain businesses in certain counties, effective at 5:00 a.m. on May 1 and until May 15:</p> <p><b>A. Restaurants</b>            May open to serve food and beverages if complies with:</p> <ol style="list-style-type: none"> <li>1. Limited capacity: Limit number of customers indoor/outdoor to 50% of normal operating capacity</li> <li>2. Groups limited: No groups of more than 6 customers seated together</li> <li>3. Social distancing: Ensure six feet of physical distance between each group or individuals</li> <li>4. Self-service prohibited: No self-service food or beverages (e.g. buffets/salad bars)</li> <li>5. Social distancing, hygiene, and public health measures: Restaurant should implement reasonable measures to ensure</li> </ol>

		<p>social distancing of employees and customers, increased hygiene practices, and other public health measures to reduce transmission; guidance to be provided by DIA and DPH</p> <p><b>**Bars must remain closed to the public, except as provided in section 2(A)</b></p> <p><b>B. Fitness Centers</b> Fitness center, health club, spa, or gym may reopen if:</p> <ol style="list-style-type: none"> <li>1. Capacity limited: Limit number of customers present to 50% of max legal occupancy</li> <li>2. Social distancing: All equipment must be spaced at least six feet apart or take other appropriate measures to ensure that closely spaced equipment is not used</li> <li>3. Group activities: Must be limited to ten or fewer people, all participating must maintain a distance of six feet apart</li> <li>4. Social distancing, hygiene, and public health measures: Fitness center should implement reasonable measures to ensure social distancing of employees and customers, increased hygiene practices, and other public health measures to reduce transmission; guidance to be provided by DPH</li> </ol> <p><b>C. Malls</b> Enclosed malls may reopen if:</p> <ol style="list-style-type: none"> <li>1. Capacity limited: Limit number of customers present to 50% of max legal occupancy</li> <li>2. Common seating areas: All common seating areas (e.g. food courts) must remain closed</li> <li>3. Play areas: Play areas/playgrounds must remain closed</li> <li>4. Social distancing, hygiene, and public health measures: Malls should implement reasonable</li> </ol>
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		<p>measures to ensure social distancing of employees and customers, increased hygiene practices, and other public health measures to reduce transmission; guidance to be provided by DPH</p> <p><b>D. Libraries</b> Libraries may reopen if they limit the number of patrons present to 50% of max legal occupancy and implement reasonable measures to ensure social distancing of employees and customers, increased hygiene practices, and other public health measures to reduce transmission; guidance to be provided by DPH</p> <p><b>E. Racetracks</b> A speedway or track, other than horse/dog races, may reopen operations provided it does not permit spectators to attend events</p> <p><b>F. Other Retail Establishments</b> Retail establishments that were previously ordered to be closed statewide may reopen if they limit the number of customers present to 50% of max legal occupancy and implement reasonable measures to ensure social distancing of employees and customers, increased hygiene practices, and other public health measures to reduce transmission; guidance to be provided by DPH</p> <p><b><i>ONLY applies to businesses and establishments located in an Iowa county other than Allamakee, Benton, Black Hawk, Bremer, Dallas, Des Moines, Dubuque, Fayette, Henry, Iowa, Jasper, Johnson, Linn, Louisa, Marshall, Muscatine, Polk, Poweshiek, Scott, Tama, Washington, or Woodbury</i></b></p>
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<b>Extension of Closure and Orders</b>		
<b>Statewide</b>		
Section 3		<p>Extends the following orders until 11:59 p.m. on May 15:</p> <ul style="list-style-type: none"> <li><b>A. Bars</b> Bars must remain closed to the general public except food and beverages may be sold if taken promptly from the premises (e.g. carry out or drive-through); a bar is an establishment where a customer may purchase alcohol and where serving of food is incidental to the consumption of beverages</li> <li><b>B. Theaters</b></li> <li><b>C. Casinos and gaming facilities</b></li> <li><b>D. Social and fraternal clubs</b> Except that food and beverages may be sold if taken promptly from the premises; golf clubhouses may be open to the extent necessary to facilitate use of golf course if appropriate social distancing practices are implemented</li> <li><b>E. Senior citizen centers/adult daycare facilities</b></li> <li><b>F. Amusements</b></li> <li><b>G. Museums, aquariums, and zoos</b></li> <li><b>H. Skating rinks/skate parks</b></li> <li><b>I. Playgrounds</b></li> <li><b>J. Campgrounds</b></li> <li><b>K. Swimming pools</b></li> <li><b>L. Salons</b></li> <li><b>M. Barbershops</b></li> <li><b>N. Medical spas</b></li> <li><b>O. Tattoo establishments</b></li> <li><b>P. Tanning facilities</b></li> <li><b>Q. Massage therapy establishments</b></li> <li><b>R. Door-to-door sales</b></li> </ul>
Section 4		<p>All state agencies must coordinate to develop and implement plans to mitigate economic effects of closings necessitated by disaster, including financial support and regulatory relief</p>

<b>Additional Extension of Business Closures</b>  <b>Allamakee, Benton, Black Hawk, Bremer, Dallas, Des Moines, Dubuque, Fayette, Henry, Iowa, Jasper, Johnson, Linn, Louisa, Marshall, Muscatine, Polk, Poweshiek, Scott, Tama, Washington, or Woodbury</b>		
<p>Section 5</p>		<p>Extends the following business closures until 11:59 p.m. on May 15:</p> <ul style="list-style-type: none"> <li><b>A. Restaurants and bars</b> Restaurants and bars must remain closed to the general public except food and beverages may be sold if taken promptly from the premises (e.g. carry out or drive-through)</li> <li><b>B. Fitness centers</b></li> <li><b>C. Swimming pools</b></li> <li><b>D. Salons</b></li> <li><b>E. Barbershops</b></li> <li><b>F. Malls</b></li> <li><b>G. Libraries</b></li> <li><b>H. Racetracks</b></li> <li><b>I. Other nonessential retail establishments</b> Bookstores; clothing stores; shoe stores; jewelry stores; luggage stores; cosmetic, beauty, or perfume stores; florists; furniture and home furnishing; tobacco stores; toy, gaming, instrument, movie, or adult entertainment stores. These stores may still provide online or telephone sales, delivery, or curbside pick-up. **Does not affect discount stores, grocery stores, or pharmacies that sell these goods in addition to essential food, medical supplies, and household goods</li> </ul> <p><b>ONLY applies to businesses and establishments located in Allamakee, Benton, Black Hawk, Bremer, Dallas, Des Moines, Dubuque, Fayette, Henry, Iowa, Jasper, Johnson, Linn, Louisa, Marshall, Muscatine, Polk, Poweshiek, Scott, Tama, Washington, and Woodbury counties</b></p>

<b>Mass Gatherings</b>		
Section 6		<p>Continues to suspend mass gatherings; social, community, recreational, leisure, and sporting gatherings and events of more than 10 people; effective 12:01 a.m. on May 1 until 11:59 p.m. on May 15:</p> <ul style="list-style-type: none"> <li>A. Spiritual and religious gatherings are NOT prohibited by this section—church, synagogue, or other host of a spiritual or religious gathering must implement reasonable measures to ensure social distancing of employees, volunteers, and other participants, increased hygiene practices, and other measures to reduce risk of transmission; wedding and funerals ceremonies are NOT covered by this section, wedding receptions of more than 10 people are social gatherings that are prohibited</li> <li>B. Gatherings of people inside a group of parked cars vehicles are excluded, if people remain in vehicles and windows/doors remain closed and there are no more than 10 in each vehicle</li> <li>C. Planned gatherings and events must be canceled or postponed</li> </ul>
<b>Farmers Markets</b>		
Section 7	Section 137F	<p>Farmers markets (Code section 137F) are not prohibited as a mass gathering if the market complies with the following:</p> <ul style="list-style-type: none"> <li>A. Farm products and food ONLY—no other goods or services permitted</li> <li>B. Entertainment and activities (e.g. music, activities, contests, etc.) are prohibited</li> <li>C. Common seating (e.g. picnic tables) prohibited</li> <li>D. Vendors must be spaced so there is six feet or more from the edge of one vendor to a neighboring vendor and reasonable measures must be implemented to ensure social distancing of employees and customers, increased hygiene practices, and other public health measures to reduce transmission;</li> </ul>

		<p>guidance to be provided by DPH, IDALS, DIA, and ISU Extension and Outreach</p> <p><b>**Any farmers market, festival, or community gathering of ten or more people that does not comply is prohibited; customers of farmers markets are encouraged to engage in social distancing, wear masks or other protective face-covering, practice good hygiene, and attend the market alone without other family members</b></p>
<b>Auctions</b>		
Section 8		<p>All auctions with more than 10 people present are prohibited at all venues, except livestock auctions that only include food animals may continue so long as there are no more than 25 people present in person (people in parked vehicles are not considered in the count of people present in person, see section 6); effective 12:01 a.m. on May 1 until 11:59 p.m. on May 15</p>
<b>Election Activities</b>		
Section 9		<p><b>A. Voting and Election Training—</b> Prohibitions on mass gatherings shall not be construed to limit persons from voting or attending training for precinct election officials</p> <p><b>B. Use of Facilities—</b> Closure of school, establishment or other facilities shall not be construed to prohibit the operation of a polling place or in-person absentee voting location at a closed school, establishment, or other facility</p>
<b>Nonessential or Elective Surgeries and Procedures</b>		
Section 10		<p>Continue to order that until 11:59 p.m. on May 15—</p> <p>A. Hospitals, outpatient surgery providers, or outpatient procedure providers may conduct in-patient surgeries and procedures that, if delayed, will pose a significant risk to quality of life, if the</p>

		<p>hospital or provider complies with the following:</p> <ol style="list-style-type: none"> <li>1. Hospital/provider must have:             <ol style="list-style-type: none"> <li>a. Adequate inventories of PPE and access to a reliable supply chain outside of state/local govt PPE stockpiles</li> <li>b. Plan to conserve PPE consistent with guidance from the CDC and DPH</li> </ol> </li> <li>2. Hospital/provider must plan for COVID-19 testing of symptomatic patients and staff; must comply with guidance for testing patients and staff issued by DPH; for scheduled surgeries, patient must have a negative test performed within 48-hours of surgery; if patient has symptoms of fever, cough, or low oxygen, postponing surgery is recommended</li> <li>3. Hospital MUST continue to accept and treat COVID-19 patients and MUST NOT transfer COVID-19 patients to create capacity for elective procedures</li> <li>4. Hospitals must reserve 30% of ICU beds and 30% of medical/surgery beds for COVID-19</li> <li>5. IF a hospital begins conducting surgeries/procedures as authorized, but is unable to satisfy all the requirements, must cease conducting surgeries/procedures except as authorized in paragraph B; hospitals/providers should have a plan in place to monitor compliance.</li> </ol> <p>B. Except as provided in paragraph A, all nonessential or elective surgeries and procedures that utilize PPE must not be conducted by any hospital, outpatient surgery provider, or outpatient procedure provider (public, private, or nonprofit)</p> <p>C. Nonessential surgery/procedure is one that can be delayed without undue risk to the current/future health of the patient</p>
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		<p>(considering threat to patient’s life, threat of permanent dysfunction of extremity or organ, metastasis/progression of staging, risk of rapidly worsening of severe symptoms)</p> <p>D. Must limit nonessential individuals in areas where PPE is required</p> <p>E. Each hospital, outpatient surgery provider, or outpatient procedure provider is required to implement</p>
<b>Nonessential Medical and Dental Services</b>		
Section 11	Sections 29(C)19, 135.144(3), and 153.33(1)(b)	<p>Continue to order—</p> <p>A. All dentists and staff shall refrain from performing elective dental procedures; all routine hygiene/orthodontic procedures, other than for pain/infection/restoration of normal oral function</p> <p>B. Does not prohibit provision of emergency dental services</p> <p>C. Enforced by Dental Board (Board has powers of peace officer to enforce order)</p> <p>D. Board should provide guidance to licensees</p>
<b>Mandatory Screening of Health Facility Staff</b>		
Section 12	Section 135.144(3)	Continue to require all hospitals, nursing facilities, intermediate care facilities, residential care facilities, hospice programs, and assisted living programs to screen all staff at the beginning of their shift for fever or respiratory symptoms, cough or sore throat; may take employees temperature
<b>School Closures</b>		
Section 13	Section 280.2	All public and nonpublic schools must remain closed for the remainder of the regularly scheduled school year
Section 14	<p><u>SF2408</u> (section 13, subsection 2)</p> <p>Sections 279.10(1) and 256.7(19)</p>	Waive required instructional time/minimum school day requirements (4/13-until the end of the school year); school districts and accredited nonpublic schools that adopted a plan for continuous learning with the DOE by April 10 should continue to implement said plans (may offer Voluntary Educational Enrichment)

		Opportunities or provide Required Educational Services)
Section 15	Sections 256.7(26)(a) and 256.11(5)  281 IA Admin Code § 12.5(5)	Suspends provisions requiring curriculum standards and completion of specific units of credit for completion of a high school program of study if these provisions would hinder Iowa school districts in assisting the graduating class of 2020 in completing a course of study during this disaster emergency
Section 16	Section 256.11(6)(c)  281 IA Admin Code § 12.5(20)	Suspends provisions requiring each Iowa pupil physically able to do so complete a CPR course to graduate from high school, if these provisions would hinder Iowa school districts in assisting the graduating class of 2020 in completing a course of study during this disaster emergency
Section 17	Section 256.16(1)(a)(2)(d) and (m)  281 IA Admin Code § 77.10(9)  281 IA Admin Code § 79.14(5), 79.14(7)	Continues to suspend specific criteria for teacher preparation and certain educators that are required to meet a minimum number of hours of field experience to be recommended for licensure (if the higher education institution determines the student has completed enough field experience)
Section 18	Section 100.31	Continues to suspend minimum number of required fire drills during a school year
<b>Regulatory Relief to Health Care System</b>		
Section 19	Sections 135.61—135.73	Continues to suspend provisions requiring institutional health facilities to obtain a certificate of need prior operating additional bed capacity (this is limited to the assistance and treatment of victims of this public health emergency for the duration of this proclamation)
Section 20	Section 135C.33  481 IA Admin Code § 50.9(3), (9) and 67.19(3)	Continues to suspend provisions requiring a health care facility and assisted living program to complete a criminal history check prior to employment of an individual; may employ an individual once criminal history check is submitted, pending completion