

# STATE OF INDIANA

## EXECUTIVE DEPARTMENT INDIANAPOLIS

### EXECUTIVE ORDER 21-23

**FOR: LIMITED CONTINUATION OF PROVISIONS TO ADDRESS THE IMPACT AND SPREAD OF THE CORONAVIRUS DISEASE (COVID-19)**

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, -14, -16, -18 & -22);

**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,** since April 2020, the virus spread to, and remains in, every county in our State, and throughout the state we have over 855,000 confirmed cases and nearly 14,000 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,** 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 have sought to protect our Hoosier economy while prioritizing Hoosiers' health in the process;

**WHEREAS,** on a weekly basis, the IDOH reviews each county's number of cases per 100,000 individuals and the county's seven-day positivity rate for the prior week and from that data assigns a numerical score which translates to one of four colors (blue, yellow, orange or red);

**WHEREAS,** our vaccination program and efforts continue with over 3.0 million Hoosiers fully vaccinated out of 5.7 million eligible. Critically, only 52.4% of eligible Hoosiers are fully vaccinated;

**WHEREAS,** throughout the Hoosier state, we are seeing a significant and serious increase in new confirmed cases and hospitalizations and tragically, continued deaths daily from COVID-19 that is based on a surge driven by the Delta variant which is much more transmissible which is also demonstrated by a 7-day average positivity rate of 2.1% two months ago, 6.3% a month ago and is 10.9% now;

**WHEREAS,** for the week ending August 15, 2021, 981 of the 1,000 new COVID-19 patients admitted to the hospital were unvaccinated; 189 of 195 COVID-19 patients admitted to an intensive care unit (ICU) were unvaccinated; and 67 of 71 COVID-19 deaths were unvaccinated individuals;

**WHEREAS,** the rise in COVID-19 cases have placed increased demands on our hospitals and in particular, Emergency Departments and critical care units are strained;

**WHEREAS,** the data has shown us that the spread of COVID-19 in the Hoosier state and in other areas can be significantly reduced where there are robust vaccinations and adherence to mitigation efforts, such as masking, contact tracing, quarantine and isolation; and

**WHEREAS,** based on all of the above, efforts should continue, and the State of Indiana will continue to seek to mitigate the impact and spread of the coronavirus disease.

**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. Duration of this Executive Order**

The directives in this Executive Order become effective August 31, 2021, at 12:01 a.m. and continue through 11:59 p.m. on September 1, 2021, and all Hoosiers, Hoosier businesses, and other individuals in the state must adhere to the directives set forth in this Executive Order unless rescinded, modified, or extended by me.

**2. Directives in Executive Order 21-17 Continued Again**

- a. As previously extended in Executive Order 21-19, the directives in Executive Order 21-17, except the provision in paragraph 7(d) pertaining to prescribing amounts for opioid take-home medications, will remain in effect for the duration of this Executive Order.
- b. The continued directives that remain in effect pertain to:
  - i) temporary licensing of health care workers and students who have been granted a temporary license (EO 21-17 ¶ 3);
  - ii) registration requirements for certain Indiana or out-of-state health care providers (EO 21-17 ¶ 4);
  - iii) insurance coverage for temporarily licensed out-of-state health care providers (EO 21-17 ¶ 5);
  - iv) expansion of those permitted to administer COVID-19 vaccinations and PREP Act immunity for those providing vaccinations (EO 21-17 ¶ 6);
  - v) the Family and Social Services Administration's (FSSA) implementation of the Indiana Medicaid, HIP, CHIP and Medworks programs (EO 21-17 ¶ 7(a), (b), (e));
  - vi) the Department of Workforce Development's (DWD) provision on augmentation of its workforce continues and remains in effect for as long as it remains authorized and permitted by federal law (EO 21-17 ¶ 8(b));
  - vii) completion dates for law enforcement training at the Indiana Law Enforcement Academy (EO 21-17 ¶ 9); and
  - viii) waiver of penalty and interest in taxation of unemployment compensation (EO 21-17 ¶ 10).
- c. The provision in paragraph 7(d) of Executive Order 21-17 pertaining to prescribing amounts for opioid take-home medications remains rescinded.

**5. No Limitation on Authority**

Nothing in this Executive Order shall, in any way, alter or modify any existing legal authority allowing the State, any local health department, or any other proper entity from ordering: (a) any quarantine or isolation that may require an individual to remain inside a particular residential property or medical facility for a limited period of time, including the duration of this public health emergency; or (b) any closure of a specific location for a limited period of time, including the duration of this public health emergency.

6. Local Declarations of Emergency

Pursuant to the Emergency Disaster Law, no local ordinance, directive, or order of any county, political subdivision, or other local government entity pertaining to this public health emergency, may contradict or impose less restrictive requirements than those set forth in this Executive Order, or else that ordinance, directive, or order will be void and of no force or effect. However, unless prohibited by an Executive Order, local ordinances, directives, and orders may be more restrictive provided they comply with Ind. Code §§ 16-20-1-21.5 and 16-22-8-31.3.

7. Savings Clause

If any provision of this Executive Order, or its application to any person or circumstance, is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are hereby declared to be severable.

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 30<sup>th</sup> day of August, 2021.

Eric J. Holcomb  
Governor of Indiana

ATTEST: Holli Sullivan  
Secretary of State