



ALERTS

Gov. Brian Kemp Issues New ‘Empowering A Healthy Georgia’ Order

June 12, 2020 | [Atlanta](#)

Highlights

A new executive order further opens up Georgia’s economy and allows for larger gatherings

It also lifts the stay-at-home order for those Georgian’s 65 and older unless classified as medically fragile

Number of restaurant patrons is no longer capped, conferences and conventions can resume, and tiered reopening of live performance venues is allowed

A new executive order issued by Georgia Gov. Brian Kemp called “[Empowering a Healthy Georgia](#)” further opens up Georgia’s economy, beginning June 16, 2020, and running through June 30, 2020.

Executive Order 06-11-20-01 allows for larger gatherings, lifts the stay-at-home order for those Georgian’s 65 and older unless classified as medically fragile, and allows for the resuming of conferences and conventions, among other things.

Mandatory requirements for operating non-critical infrastructure businesses, for-profit corporations, nonprofit corporations, and

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organizations are extended through the end of June. Specific requirements for previously closed businesses remain in effect.

Sheltering in Place

All previous executive orders that mandate sheltering in place for those Georgian's 65 and older are immediately repealed unless those individuals are considered "medically fragile." Medically fragile is defined as:

- Persons who live in a nursing home or long-term care facility, including inpatient hospice, assisted living communities, personal care homes, intermediate care homes, community living arrangements, and community integration homes
- Persons who have chronic lung disease
- Persons who have moderate to severe asthma
- Persons who have severe heart disease
- Persons who are immunocompromised. Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medication.
- Persons, of any age, with class III or severe obesity
- Persons diagnosed with the following underlying medical conditions, diabetes, and liver disease, and persons with chronic kidney disease

Those sheltering in place may engage in the following activities:

- Conducting or participating in essential services
- Performing necessary travel
- Engaging in gainful employment or the performance of, or travel to and from the performance of, minimum necessary activities to maintain the value of a business, establishment, corporation, nonprofit corporation, or organization not classified as critical infrastructure
- Working in or for critical infrastructure and being actively engaged in the performance of, or travel to and from, their respective employment

Social Distancing, Face Masks and Group Gatherings

Effective June 16, 2020, groups of up to 50 people are permitted to be physically present at a single location if, to be present, persons are required to stand or be seated within 6 feet of any other person. Groups of more than 50 people are permitted if their grouping is transitory or

incidental, or if their grouping is the result of being spread across more than one single location.

All residents of and visitors to the state of Georgia:

- Must practice social distancing whenever possible, meaning keeping 6 feet or more between persons
- Are strongly encouraged to wear face coverings as practicable while outside their homes or place of residence, except when eating, drinking, or exercising outdoors
- Must practice enhanced sanitation in accordance with the guidelines published by the Centers for Disease Control and Prevention (CDC)

Restaurants, Bars, Dining Services, Live Performance Venues and Retail

For restaurants and dining rooms, no maximum now exists for the number of people who can sit together at one time, and the limit on the number of patrons allowed per square foot has been repealed.

Workers at restaurants, dining rooms, banquet facilities, private event facilities, and private reception venues are only required to wear face coverings when they are interacting with patrons.

Restaurant inspection timelines may be extended by the Georgia Department of Public Health by 120 days for any permit holder of a food service establishment maintaining an “A” food safety grade for any such food service establishment that was scheduled to have a routine inspection at any time between March 14, 2020, and Sept. 10, 2020

Restaurants must adhere to the enhanced sanitation and employee screening guidelines laid out in previous executive orders.

For salad bars and buffets, a worker can use cafeteria-style service to serve patrons or the establishment can provide hand sanitizer, install a sneeze guard, enforce social distancing, and regularly replace shared utensils to allow patron self-service.

Bars may now have 50 patrons or 35 percent of total listed fire capacity, whichever is greater.

Live performance venues can reopen effective July 1, 2020, if they comply with specific criteria based on whether it is designated Tier I, II, or III, which is noted in EO 06-11-20-01. Exceptions exist for drive-in performances; private recording sessions; livestream performances, practices, fanless events, and rehearsals; and non-ticketed or free events. Such a venue is defined in the EO as “any indoor or outdoor location that requires patrons to purchase a license to attend an event featuring live musical, dramatically, automotive, educational, or any other type of entertainment performed before in-person patrons.”

The term does not include restaurants and dining rooms, banquet facilities, private event facilities, private reception venues, weddings, drive-in venues, or events held as part of a convention, nor does it include outdoor recreational fields used for amateur sporting events.

Amusement rides, traveling carnivals, water parks and circuses can begin

operations effective June 12, 2020, while adhering to strict sanitation guidelines.

Movie theaters now have no maximum on the total number of patrons in a theater allowed at one time.

Conventions

A convention may occur if it meets 21 specific requirements in addition to the requirements for non-critical infrastructure entities. “Convention” refers to “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” and “shall include exhibitions, trade shows, conferences, and business retreats.”

The term “convention” does not include any regular operation of a business that occurs on property owned or leased for the exclusive operation of such business, nor does the term encompass regular religious services, business meetings, sports competitions, or events categorized by O.C.G.A. § 16-11-173(b)(1)(A).

Professional and Amateur Sports

Professional sports teams and organizations must follow the rules and guidelines set by their respective leagues. High school and collegiate teams and organizations must follow the rules and guidelines set by their applicable conferences or associations. Amateur sports teams and organizations must follow the criteria for non-critical infrastructure entities outlined in the order.

Outdoor Workers

Those Georgians who are working outdoors without regular contact with other persons, in positions such as delivery services, contractors, landscape businesses, and agricultural industry services, are required to practice social distancing and implement sanitation processes in accordance with the guidelines published by the CDC.

Gyms, Body Art Studios, Hair Designers, Massage Therapists and Bowling Alleys

All gyms, fitness centers, body art studios, hair designers, massage therapists and bowling alleys must continue additional employee screenings and enhanced sanitation measures to prevent the spread of COVID-19, as practicable, and follow the specific measures outlined in the new and prior executive orders. Walk-ins are now allowed at body art studios, barber shops, hair salons, and their respective schools, massage therapy establishments, and tanning facilities subject to specific requirements.

Education, Children and Summer Camps

Nothing in Executive Order 05.28.20.02 prevents 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.

Due to the limited resources of school districts in this state, schools and school districts offering summer school are not required to comply with the ban on gatherings, but during the effective dates of EO 05.28.20.02, such schools and school districts must implement additional measures to prevent the spread of COVID-19 among students. These measures include:

- Screening and evaluating workers and students who exhibit symptoms of COVID-19
- Requiring workers and students who exhibit symptoms of COVID-19 to not report to school and to seek medical attention
- Enhancing sanitation of the school as appropriate
- Disinfecting common surfaces regularly
- Encouraging handwashing or sanitation by workers and students at appropriate places within the school
- Prohibiting gatherings of students on the school premises outside of instructional times
- Permitting students to take breaks and lunch outside, in their personal workspace, or in such other areas where proper social distancing is attainable
- Holding all meetings and conferences virtually, whenever possible
- Discouraging students from using other students' phones, desks, offices, or other work tools and equipment
- Prohibiting handshaking and other unnecessary person-to-person contact
- Placing notices that encourage hand hygiene at the entrance to the school and in other areas where they are likely to be seen

All child care facilities must cease transporting children for any purpose other than transporting children between their place of residence and the child care facility.

All child care learning centers and family child learning homes under the jurisdiction of the Georgia Department of Early Care and Learning must maintain worker-child ratios set forth by the department.

Effective June 16, summer campers and workers may not attend an overnight summer camp unless they have received a negative COVID-19 test within 12 prior to starting camp; which is increased from the previous cap of seven days.

All campers and workers who stay overnight at a summer camp must

remain on the summer camp premises at all times, except in case of emergency or for purposes of participating in an off-site activity that is part of the overnight summer camp's program. Any camper or worker who leaves the premises for any reason shall be required to receive an additional negative test result for COVID-19 prior to reentry.

To obtain more information regarding this alert, contact the Barnes & Thornburg attorney with whom you work, or Stephen Weizenecker at 404-264-4038 or stephen.weizenecker@btlaw.com or Zach Johnson at 404-264-4022 or zach.johnson@btlaw.com.

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