



THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

DECLARATION OF STATE OF EMERGENCY FOR CONTINUED COVID-19 ECONOMIC RECOVERY

- WHEREAS:** In March of 2020, a new and significant outbreak of respiratory disease caused by a novel coronavirus emerged in the State of Georgia; and
- WHEREAS:** The respiratory disease caused by the novel coronavirus, known as "COVID-19," is an infectious virus that can spread from person-to-person and can result in serious illness or death; and
- 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:** As the State continued to respond to the public health emergency caused by COVID-19, I renewed the Public Health State of Emergency declared by Executive Order 03.14.20.01 by issuing Executive Orders 04.08.20.02, 04.30.20.01, 05.28.20.01, 06.29.20.01, 07.31.20.01, 08.31.20.01, 09.30.20.01, 10.30.20.01, 11.30.20.01, 12.30.20.01, 01.29.21.01, 02.26.21.01, 03.31.21.01, 04.23.21.01, 05.28.21.01, and 06.22.21.01, and it is currently set to expire on July 1, 2021, at 12:00 A.M.; and

- WHEREAS:** The public health effects of COVID-19 in Georgia have been mitigated and controlled due to the efforts of the Georgia Department of Public Health, the Georgia Department of Community Health, the Georgia National Guard, many other state agencies, local governments, and most importantly, the hardworking residents of Georgia; and
- WHEREAS:** As a result of said efforts, the State of Georgia is no longer experiencing a public health emergency; and
- WHEREAS:** Despite the State’s success in surviving the COVID-19 pandemic, long-term negative effects of COVID-19 remain; and
- WHEREAS:** While a state of emergency is warranted due to the effects of the natural disaster caused by COVID-19, the expanded powers of a public health state of emergency are no longer necessary; and
- WHEREAS:** I will end the Public Health State of Emergency declared by Executive Order 03.14.20.01 on July 1, 2021, at 12:00 A.M. in an effort to demonstrate that the Governor should only exercise exceptional powers as necessary; and
- WHEREAS:** The State is experiencing an ongoing emergency due to the impacts of COVID-19 on the economy, supply chain, and healthcare infrastructure; and
- WHEREAS:** The Governor is vested with the emergency powers cited herein as the Chief Executive of this State; 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:** 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: 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: 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 this state of emergency, 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: In consultation with state economic, healthcare, and emergency preparedness officials, I have determined a state of emergency exists as provided by Code Section 38-3-51, and that the following actions are necessary and appropriate to protect the continued strength of Georgia's economy and provide for the health, safety, and welfare of Georgia's residents and visitors; and

WHEREAS: Continued action by the State of Georgia is necessary to ensure the complete restoration of social and economic welfare of the State by responding to the ongoing effects of COVID-19 on the State; and

WHEREAS: As specified above, Georgia law vests the Governor in Code Section 38-3-51 with the authority to bring emergency situations under control by issuing orders, rules, and regulations to protect the safety and welfare of the public.

NOW, THEREFORE, PURSUANT TO CODE SECTION 38-3-51, AND THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: That because of the continuing negative impacts of the COVID-19 pandemic on the State's economy, supply chain, and healthcare infrastructure, a State of Emergency is declared in the State of Georgia.

IT IS FURTHER

ORDERED: That all resources of the State of Georgia shall be made available to assist in activities designed to address this emergency and aid recovery and response efforts.

IT IS FURTHER

ORDERED: That efforts to resolve the resulting effects of the COVID-19 outbreak in the State of Georgia shall remain underway, such as efforts to provide eligible individuals and families with available support and assistance, including, but not limited to, temporary enhanced benefits through the Supplemental Nutrition Assistance Program administered by the Georgia Department of Human Services Division of Family and Children Services in accordance with Section 2302 of the Families First Coronavirus Response Act.

IT IS FURTHER

ORDERED: That the Georgia Department of Defense provide up to one hundred (100) Georgia National Guard troops to be used in response to this State of Emergency.

IT IS FURTHER

ORDERED: That these Georgia National Guard troops be called up to State Active Duty as necessary by the Adjutant General.

IT IS FURTHER

ORDERED: That all state and local authorities, as well as public and private entities, shall fully comply with all orders by the Governor as authorized by Georgia law, in furtherance of this Order.

IT IS FURTHER

ORDERED: That during preparation, response, and recovery activities for this State of Emergency, price gouging of goods and services necessary to support these efforts would be detrimental to the social and economic welfare of the citizens of this State, and thus Code Section 10-1-393.4, prohibiting price gouging, remains in effect.

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 effect 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 the State of Emergency shall terminate on July 30, 2021, at 11:59 P.M., unless it is renewed by the Governor.

This 30th day of June 2021, at 1:22 P.M.



GOVERNOR