



STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR

WHEREAS, on March 13, 2020, I declared the existence of a state public health emergency based on the appearance of the 2019 novel coronavirus known as COVID-19 in the State of Alabama;

WHEREAS that initial proclamation included provisions designed to assist in preventing the spread of COVID-19 and in mitigating the consequences of COVID-19;

WHEREAS I have issued supplemental proclamations to further address the occurrence of COVID-19 in the State of Alabama on the following dates: March 18, 20, 23, and 26 of 2020; April 2, 3, and 13 of 2020; May 8 and 21 of 2020; June 9 and 30 of 2020; July 2, 15, and 29 of 2020; August 21 and 27 of 2020; September 30, 2020; November 5, 2020; December 9 and 11 of 2020; January 21, 2021; and March 4, 12, and 22 of 2021; and

WHEREAS new implications of COVID-19 come to light on a continual basis, requiring flexibility and adaptability by all levels of government within the State of Alabama;

NOW THEREFORE, I, Kay Ivey, Governor of the State of Alabama, pursuant to the relevant provisions of the Alabama Emergency Management Act of 1955, as amended, Ala. Code §§ 31-9-1, *et seq.*, do hereby proclaim the existence of conditions that warrant implementation of additional extraordinary measures and relief during the state public health emergency now in effect in order to guard public health and protect human life. I therefore proclaim and direct all of the following:

I. Rescinding the mask requirement and instituting a new "Safer Apart" health order

Although COVID-19 remains a serious public health threat, I find that a new approach to COVID-19 mitigation measures is warranted based on rising vaccination rates, decreasing confirmed cases of COVID-19, and decreasing numbers of hospitalizations and deaths attributable to this virus.

To that end, I hereby issue a new "Safer Apart" health order by incorporating the attached "Order of the State Health Officer Suspending Certain Public Health Gatherings Due to Risk of Infection by COVID-19," signed today by the State Health Officer, into this proclamation as if fully set forth herein. Further, I specifically promulgate that order as an order, rule, or regulation under the applicable provisions of the Emergency Management Act. *See, e.g.*, Ala. Code §§ 31-9-6(1) & 31-9-13. The law-enforcing authorities of the state shall enforce that order as any other order, rule, or regulation promulgated by the Governor under that Act, *see id.* § 31-9-14, and the penalty for violating it shall be a fine of not more than \$500 or imprisonment in the county jail as set forth in the Act, *see, e.g., id.* § 31-9-22.

FURTHER, to the extent a provision in this supplemental proclamation conflicts with any provision of state law, that law is hereby suspended for the duration of this state of emergency, and this proclamation shall control.

FURTHER, I declare that this proclamation and all subsequent orders, laws, rules, or regulations issued pursuant hereto shall remain in full force and effect for the duration of the public health emergency unless rescinded or extended by proclamation.



IN WITNESS, WHEREOF, I have hereunto set my hand and caused the Great Seal to be affixed by the Secretary of State at the State Capitol in the City of Montgomery on this 7th day of April, 2021.

Kay Ivey

Kay Ivey
Governor

ATTEST:

J. H. Merrill

John H. Merrill
Secretary of State

**ORDER OF THE STATE HEALTH OFFICER
SUSPENDING CERTAIN PUBLIC GATHERINGS
DUE TO RISK OF INFECTION BY COVID-19**

(APPLICABLE STATEWIDE)

AMENDED APRIL 7, 2021

WHEREAS Coronavirus Disease 2019 (COVID-19) has been detected in Alabama;

WHEREAS the appearance of COVID-19 in the State poses the potential of widespread exposure to an infectious agent that poses significant risk of substantial harm to a large number of people;

WHEREAS the State Board of Health has designated COVID-19 to be a disease of epidemic potential, a threat to the health and welfare of the public, or otherwise of public health importance;

WHEREAS on March 13, 2020, on recommendation of the State Health Officer, Kay Ivey, Governor of the State of Alabama, declared a state public health emergency exists in the State of Alabama;

WHEREAS on March 16, 2020, the Jefferson County Health Officer, in response to a rapidly growing number of cases of COVID-19 being detected in Jefferson County, issued an order suspending certain public gatherings in that county;

WHEREAS on March 17, 2020, the State Health Officer issued a similar order for counties surrounding Jefferson, including Blount, St. Clair, Shelby, Tuscaloosa, and Walker Counties,

WHEREAS on March 19, 2020, the State Health Officer issued an order, and on March 20, 2020, March 27, 2020, April 3, 2020, April 28, 2020, May 8, 2020, May 21, 2020, June 30, 2020, July 15, 2020, July 29, 2020, August 27, 2020, September 30, 2020, November 5, 2020, December 9, 2020, January 21, 2021, and March 4, 2021, amended orders, of statewide application suspending certain public gatherings;

WHEREAS certain measures remain necessary on a statewide basis to prevent the spread of COVID-19; and

WHEREAS Ala. Code § 22-2-2 authorizes the State Health Officer, on behalf of the State Board of Health, to direct that conditions prejudicial to health in public places within the State be abated;

NOW THEREFORE, THESE PREMISES CONSIDERED, it is ordered that the following *Safer Apart* order be implemented statewide:

1. Recommendations for individuals. Effective April 9, 2021, at 5:00 P.M., all individuals—and especially vulnerable persons—are encouraged to exercise personal responsibility in slowing the spread of COVID-19 by:

- a. Maintaining six feet of separation from persons of different households;
- b. Wearing a mask or other facial covering at all times when within six feet of a person from another household;
- c. Staying home if sick;
- d. Washing hands frequently with soap and water or hand sanitizer, especially after touching frequently used items or surfaces;
- e. Refraining from touching one's face;
- f. Sneezing or coughing into a tissue, or the inside of one's elbow; and
- g. Disinfecting frequently used items and surfaces as much as possible.

“Vulnerable persons” means individuals 65 years and older or individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy.

2. Quarantine for infected persons. Effective immediately, any person who has tested positive for COVID-19—other than institutionalized persons—shall be quarantined to his or her place of residence for a period of time specified by the State Health Officer or his designee. Any person quarantined pursuant to this provision shall not leave his or her place of residence for any reason other than to seek necessary medical treatment. Any person requiring assistance while under quarantine may contact 2-1-1 by calling 2-1-1 or (888) 421-1266 or by accessing <https://www.211connectsalabama.org/>. While under quarantine, the person shall take precautions as directed by his or her health care provider or the Alabama Department of Public Health to prevent the spread of the disease to others.

3. Protections for employees. Effective April 9, 2021, at 5:00 P.M., and unless otherwise specified by this order, all employers are encouraged to take reasonable steps, where practicable as work duties permit, to protect their employees by:

- a. encouraging use of masks and facial coverings;
- b. maintaining six feet of separation between employees (or, alternatively, maintaining separation between employees through an impermeable partition);
- c. regularly disinfecting frequently used items and surfaces;
- d. encouraging handwashing; and

- e. preventing employees who are sick from coming into contact with other persons.

4. Protections for customers, constituents, students, etc. Effective April 9, 2021, at 5:00 P.M., and unless otherwise specified by this order, the operator of any business, government office, postsecondary educational institution, or other establishment open to the public is encouraged to take reasonable steps, where practicable, to protect its customers, constituents, or other guests by:

- a. encouraging use of masks and facial coverings;
- b. maintaining six feet of separation between persons from different households (or, alternatively, maintaining separation between such persons through an impermeable partition); and
- c. regularly disinfecting frequently used items and surfaces.

5. Senior Citizen Centers. Effective April 9, 2021, at 5:00 P.M., all programs at Senior Citizen Centers shall follow guidelines issued by the Alabama Department of Senior Services. Senior Citizen Centers and their partners are urged to assure that their clients continue to receive needed meals via curbside pick-up or delivery.

6. Facilities that serve children. Effective April 9, 2021, at 5:00 P.M., all facilities that serve children—including elementary and secondary schools; child day care facilities, including any child day care facility described in Ala. Code § 38-7-2; and day and overnight youth summer camps—are encouraged to comply with paragraph 4 except that the facility is encouraged to take reasonable steps, where practicable, to maintain three feet of separation between children from different households if the children are between the ages of 6 and 18. Facilities serving children under the age of 6 need not take steps to maintain separation between such children.

7. Hospitals and similar institutions. Effective March 6, 2021, all Hospitals and Nursing Home/Long Term Care Facilities (including Assisted Living and Specialty Care Assisted Living Facilities) shall ensure that each patient or resident may be accompanied by as many as two caregivers at a time (in the case of hospitals) or receive visits from as many as two visitors at a time (in the case of nursing homes and long term care facilities), subject to reasonable restrictions imposed on the entrance of persons because of the COVID-19 county positivity rate, the facility's COVID-19 status, a patient's or resident's COVID-19 status, caregiver/visitor symptoms, lack of adherence to proper infection control practices, or other relevant factors related to the COVID-19 pandemic, consistent with the following guidance from the federal government:

- For hospitals: “Hospital Visitation – Phase II Visitation for Patients who are Covid-19 Negative” issued by the Centers for Medicare and Medicaid Services (CMS) on June 26, 2020, and available at <https://www.cms.gov/files/document/covid-hospital-visitation-phase-ii-visitation-covid-negative-patients.pdf>.

- For nursing homes: “Nursing Home Visitation – COVID-19 (REVISED)” revised by CMS on March 10, 2021, and available at <https://www.cms.gov/files/document/qso-20-39-nh-revised.pdf>.
- For assisted living facilities and specialty care assisted living facilities: “Nursing Home Visitation – COVID-19 (REVISED)” revised by CMS on March 10, 2021, and available at <https://www.cms.gov/files/document/qso-20-39-nh-revised.pdf>, with the exception of the requirement that “resident and staff testing [be] conducted as required at 42 CFR 483.80(h).”

In addition, each facility subject to this paragraph shall post in a conspicuous location at each public entrance a statement substantially similar to the following statement:

By order of the Governor of Alabama and the State Health Officer, each patient or resident of this facility enjoys certain rights to have as many as two caregivers or as many as two visitors present at a time, subject to reasonable restrictions. If you have questions, you may ask to inspect the facility’s written policies concerning visitation.

8. Duration. This Order shall remain in full force and effect until 5:00 P.M. on May 5, 2021, unless extended, rescinded, or modified in writing before that time. Prior to 5:00 P.M. on May 5, 2021, a determination shall be made whether to extend this Order—or, if circumstances permit or require, to change this Order.

9. Preemption. To the extent this Order conflicts with any order previously issued by the State Health Officer concerning COVID-19 mitigation measures, this Order supersedes and preempts the conflicting provisions of the previously issued order effective on the dates specified above. This Order also supersedes and preempts all orders previously issued by county health officers concerning COVID-19 mitigation measures, as well as any municipal ordinance adopted before March 4, 2021, concerning the use of facial coverings to prevent the spread of COVID-19.

This Order also supersedes and preempts any county and municipal orders or ordinances, whenever adopted, that purport to impose less stringent COVID-19-related measures.

Done on this 7th day of April, 2021.



Scott Harris, M.D., M.P.H.
State Health Officer