CHRISTOPHER T. SUNUNU
Governor

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

STATE OF NEW HAMPSHIRE
BY HIS EXCELLENCY
CHRISTOPHER T. SUNUNU, GOVERNOR

Executive Order 2020-04

An order declaring a state of emergency due to Novel Coronavirus (COVID-19)

WHEREAS, after beginning in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) has impacted more than 117 countries, including the United States; and

WHEREAS, on January 23, 2020, the national Centers for Disease Control and Prevention (CDC) activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS, the World Health Organization declared a Public Health Emergency of International Concern on January 30, 2020, and the United States Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020; and

WHEREAS, the State of New Hampshire has been working in close collaboration with the CDC, with the United States Department of Health and Human Services, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States and the State of New Hampshire; and

WHEREAS, the Division of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS, on or about March 11, 2020 the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 12, 2020 the Division of Public Health and the Division of Homeland Security and Emergency Management announced that 211NH has been mobilized to handle all COVID-19 related calls from New Hampshire residents; and

WHEREAS, as of March 13, 2020, across the globe, there are more than 124,048 confirmed cases of COVID-19, resulting in more than 4613 deaths worldwide; and

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WHEREAS, as of March 13, 2020, there are 1,663 confirmed cases of COVID-19 in the United States, including 6 in New Hampshire, and more than 275 New Hampshire residents being monitored based on potential exposure to the virus, and officials expect the number of cases in New Hampshire, the United States, and worldwide to increase; and

WHEREAS, New Hampshire has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1 N1 influenza virus in 2009; and

WHEREAS, on March 13, 2020, the Department of Safety, Division of Homeland Security and Emergency Management activated the State Emergency Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency under the federal Stafford Act due to the spread of COVID-19; and

WHEREAS, experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS, it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in New Hampshire, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS, if COVID-19 spreads in New Hampshire at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of New Hampshire, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS, experts indicate that COVID-19 is most commonly spread from an infected symptomatic person to others through respiratory droplets, including:

- Through the air by coughing and sneezing;
- Close personal contact, such as touching or shaking hands;
- Touching an object or surface with the virus on it, then touching your mouth, nose, or eyes before washing your hands.

WHEREAS, state and local health and emergency response organizations must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

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WHEREAS, state and local officials, working with the federal government and the for profit and not for profit private sector, must take all necessary and feasible steps to assist citizens who are affected by the outbreak of COVID-19, including those unable to work because of illness or the need to care for a family member, those out of work because their employers have temporarily closed or reduced their hours, those unable to access necessary resources because of shortages, or any other individuals suffering hardship because of the outbreak of COVID-19; and

WHEREAS, I find that conditions of New Hampshire Revised Statutes Annotated (RSA) 4:45, relating to the declaration of a State of Emergency, have been met; and

WHEREAS, under RSA 4:45, III(e), in addition to specifically enumerated powers, during a State of Emergency the Governor has the authority to "perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population;" and

WHEREAS, under RSA 4:47, III, the Governor has "power to make, amend, suspend and rescind necessary orders, rules and regulations" to carry out emergency management functions in the event of a disaster beyond local control; and

WHEREAS, I find that the conditions caused by COVID-19 now require the combined forces of the State, local government, the federal government, private business and private citizens to appropriately respond; and

NOW, THEREFORE, I, Christopher T. Sununu, Governor of the State of New Hampshire, by the authority vested in me pursuant to part II, article 41 of the New Hampshire Constitution and New Hampshire RSA 4:45, I do hereby declare a state of emergency to exist in the entire State of New Hampshire as of 5:15 p.m. on March 13, 2020.

IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT:

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Governor's Office, the Division of Homeland Security and Emergency Management, and the Division of Public Health. This shall include, if necessary, the repurposing of state employees for tasks necessary to address the impacts of COVID-19.

2. All residents and visitors of the state are to heed the advice of health and emergency officials with regard to this emergency in order to protect their safety.

3. Beginning at 11:59 p.m. on Sunday, March 15th, all assisted living facilities, long term care facilities, nursing facilities, residential care facilities, as those terms are defined in RSAs 151-151-H, or any other similar facilities providing residential care to elderly or infirm patients, shall prohibit visitor access to reduce facility based transmission of COVID-19. This prohibition shall not apply to medically necessary personnel, visitors for residents receiving end of life care, or visitors necessary to provide for a residents psychosocial needs as determined by a licensed medical care provider.

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4. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Governor and Council Manual of Procedure and the Department of Administrative Services (DAS), Administrate Rules, Adm 600, including but not limited to travel, advertising, and competitive bidding requirements, may be suspended with approval of the Governor to the extent necessary to address the effects of COVID-19.

5. Any out-of-state personnel , including, but not limited to, medical personnel, entering New Hampshire to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in RSA 21-P:41 and any other applicable statutory authority with respect to licensing and certification regarding mutual aid during emergencies for a period of time not to exceed the duration of this emergency.

6. Any state-owned properties that DAS, in consultation with the Division of Public Health and the Division of Homeland Security and Emergency Management, determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Division of Public Health and/or the Division of Homeland Security and Emergency Management for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

7. All non-essential out-of-state travel by State and municipal employees for official business is hereby suspended. The Department of Administrative Services, in consultation with the Division of Public Health, shall develop procedures and protocols for employees returning from out-of-state travel. No out-of-state travel for State Employees for State business may be deemed essential without the prior written approval of the Governor.

8. State and local government bodies are permitted and encouraged to utilize the emergency meeting provisions of RSA 91-A to conduct meetings through electronic means while preserving, to the extent feasible, the public's right to notice of such meetings and ability to observe and listen contemporaneously.

9. The Division of Homeland Security and Emergency Management shall provide assistance to local governments to address impacts from COVID-19, if appropriate and necessary.

10. To ensure hospitals and other health facilities are able to adequately treat patients who may be infected with COVID-19 or who are legally isolated as a result of COVID-19, and to prevent overburdening of existing resources of hospitals and health facilities, the Commissioner of the Department of Health and Human Services may waive any of the licensing or credentialing requirements of RSA Chapter 151 and accompanying regulations with respect to any hospital or health facility. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while

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protecting public health and safety. Any waivers granted pursuant to this paragraph shall be posted with the hospital or health facility's existing license.

11. The Commissioner of Health and Human services, in consultation with the State Fire Marshall, shall have the authority, on a case by case basis, to waive licensing requirements for day care facilities to allow for temporary provision of child care by (1) employers for children of their employees; (2) licensed day care facilities in situations where temporary exceedance of maximum enrollment may be necessary; and (3) any other circumstance in which the Commissioner determines that waiver of licensing requirements is necessary and will not adversely impact child safety. The State Fire Marshall shall have the authority to waive, on a case by case basis, the requirements of the provisions of the fire code related to child centers, consistent with the provisions of this paragraph.

12. Healthcare providers shall report persons they decide to rest COVID-19 to the Department of Health and Human Services by phone or by completion of a case report form. Instructions for reporting will be made available on the State's COVID-19 webiste.

13. To support consistent practices across New Hampshire, the Department of Education, the Department of Labor and the Department of Safety, in coordination with the Division of Public Health, shall continue to provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities.

14. All school sponsored out-of-state travel for students and teachers in New Hampshire public schools is suspended.

15. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, for the limited purposes of investigation and control, and treatment and coordination of care.

16. The Department of Business and Economic Affairs shall survey businesses within New Hampshire to determine the economic impact of losses for the emergency period as compared to the same period of the preceding year for the purposes of applying to the U.S. Small Business Administration (SBA) for SBA Economic Injury Disaster Loans.

17. The Department of Employment Security is directed to develop recommendations for specific actions the State can take to ensure that individuals unable to work in the following situations related COVID-19 are able to access state unemployment benefits: (1) individuals quarantined due to confirmed or potential exposure; (2) individuals needing to care for themselves due to related illness; (3) individuals needing to care for an ill family member; and (4) individuals needing to care for a dependent. These recommendations shall be submitted to the Governor's Office for follow up directives.

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18. Pursuant to RSA 4:45 and RSA 4:47, while this Order is in effect, additional temporary orders, directives, rules and regulations may be issued either by the Governor or by designated State officials with written approval of the Governor. All further temporary orders, directives, rules and regulations issued pursuant to this Order shall be in writing and published on the Governor's Office website.

Given under my hand and seal at the Executive Chambers in Concord, this 13th day of March, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.

GOVERNOR OF NEW HAMPSHIRE

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