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## FISCAL UPDATE Article

Fiscal Services Division

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### COVID-19 — GOVERNOR'S PROCLAMATIONS — SEPTEMBER 18, 2020

#### Proclamation of Disaster Emergency, September 18, 2020

Governor Reynolds proclaimed a State of Disaster Emergency on March 9, 2020, in response to the outbreak of COVID-19 following a national public health emergency declaration issued by the United States Department of Health and Human Services on January 31, 2020, and multiple individuals within the State of Iowa testing presumptive positive for COVID-19. The Governor issued an additional Proclamation of Disaster Emergency on March 13, 2020, establishing a State of Public Health Disaster Emergency.

On September 18, 2020, the Governor issued an additional [Proclamation of Disaster Emergency](#), which, in addition to encouraging all vulnerable Iowans to limit activities outside the home, ordered the following measures:

- In Johnson and Story counties, all bars, taverns, wineries, breweries, distilleries, night clubs, and other establishments that sell alcoholic beverages for consumption on premises shall be closed to the general public except under the following requirements:
  - Food and beverages may be made available for carry-out, drive-through, or delivery to the extent permitted by law.
  - An establishment closed to the general public may continue to serve food and beverages at a private gathering so long as the establishment complies with all requirements established for restaurants in this Proclamation.
  - Establishments for which the sale of food results in at least half of the establishment's monthly revenue may remain open for the service of food and beverages. For the purpose of this provision, the monthly revenues of a brewery, distillery, or winery shall not include sales of alcoholic beverages for off-site consumption.
  - Bars located in hotels, casinos, movie theaters, sporting venues, or other establishments not required to close by this Proclamation must close, but establishments may continue to provide beverages to patrons on casino floors, in individual theaters, or in an individual's hotel room provided that such service complies with all relevant requirements established in this Proclamation.
- In Johnson and Story counties, all restaurants that sell alcoholic beverages for consumption on premises shall be closed to the general public except under the following requirements:
  - An establishment serving alcoholic beverages must also prepare and serve food to all customers, and the sale of alcoholic beverages must be no more than half of the establishment's current monthly revenues.
  - Sales or service of alcoholic beverages must not occur on the premises outside the hours of 6:00 a.m. to 10:00 p.m. Monday through Saturday, or 8:00 a.m. to 10:00 p.m. on Sunday.
  - Establishments must ensure at least six feet of physical space between groups and individuals dining alone, and all patrons must have a seat at a table or bar.
  - Establishments must implement reasonable measures to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19.

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- In all counties other than Johnson and Story, restaurants and bars may reopen or remain open under the following requirements:
    - Establishments must ensure at least six feet of physical space between groups and individuals dining alone, and all patrons must have a seat at a table or bar.
    - Establishments must implement reasonable measures to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19.
  - Fitness centers may reopen or remain open under the following requirements:
    - Establishments must ensure that all equipment is positioned so that there is six feet of physical space between individual patrons.
    - Group activities must limit the number of participants so that individuals can maintain at least six feet of distance at all times.
    - Establishments must implement reasonable measures to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19.
  - Casinos and gaming facilities may reopen or remain open under the following requirements:
    - Establishments must ensure that gaming and wagering positions are placed so that there is at least six feet of physical space between patrons.
    - Establishments must comply with the same requirements placed on bars and restaurants with regard to the service of food and beverages.
    - Establishments must implement reasonable measures to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19.
  - Senior citizen centers and adult day care facilities may open or remain open to the extent that the establishments comply with guidance by the Iowa Department of Public Health (IDPH) regarding social distancing and increased hygiene practices.
  - Salons as defined under Iowa Code section [157.1](#) and barbershops as defined under Iowa Code section [158.1](#) may reopen under the following conditions:
    - Salons or barbershops must ensure that all customers remain at least six feet apart when employees are performing cosmetology or barbering practices.
    - Establishments must implement reasonable measures to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19.
  - Medical spas may reopen or remain open to provide medical aesthetic services only if they comply with the requirements for performing outpatient procedures, including utilizing personal protective equipment (PPE) as required for elective or nonessential surgeries and procedures.
  - Movie theaters, performance venues, and speedways or racetracks may reopen or remain open under the following requirements:
    - Establishments must ensure at least six feet of physical space between groups and individuals attending alone.
    - Establishments must implement reasonable measures to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19.
  - Malls may reopen or remain open under the following requirements:
    - Play areas must remain closed.
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- Establishments must implement reasonable measures to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19.
  - The following additional facilities and establishments may reopen or remain open under the condition that they take reasonable measures to ensure social distancing of employees and patrons, increase hygiene practices, and undertake additional health care measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the IDPH:
    - Tanning facilities as defined by Iowa Code section [136D.2\(5\)](#)
    - Massage therapy establishments as defined by Iowa Code section [152C.1\(3\)](#)
    - Tattoo establishments as defined by Iowa Code section [135.37](#)
    - Campgrounds
    - Libraries
    - Drive-in theaters
    - Museums
    - Aquariums
    - Zoos
    - Playgrounds and play centers
    - Swimming pools
    - Amusement facilities such as bowling alleys, pool halls, arcades, and amusement parks
    - Retail establishments
  - Mass gatherings of more than 10 people may be held under the following requirements:
    - The organizer must ensure at least six feet of physical space between groups and individuals attending alone.
    - The organizer must implement reasonable measures to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19.
  - A hospital, outpatient surgery provider, or outpatient procedure provider may conduct inpatient surgeries and procedures that, if further delayed, will pose a significant risk to the quality of life, and any outpatient surgeries or procedures under the following requirements:
    - A hospital or provider must have adequate PPE to support continued operations and respond to an unexpected surge in a timely manner.
    - A hospital or provider must have a plan to conserve PPE consistent with guidance from the Centers for Disease Control and Prevention (CDC) and the IDPH.
    - A hospital or provider must have a plan for timely COVID-19 testing of symptomatic patients and staff to rapidly mitigate potential clusters of infection.
    - A patient should have a negative COVID-19 test within 72 hours of a scheduled surgery if possible. If a test is not possible, and the patient is exhibiting COVID-19 symptoms, the surgery should be postponed.
    - A hospital must continue to accept and treat COVID-19 patients and must not transfer COVID-19 patients to create capacity for elective procedures.
    - A hospital must reserve at least 10.0% of intensive care beds and 10.0% of medical/surgical beds for COVID-19 patients.
    - A hospital or provider must limit all nonessential individuals in surgery and procedure suites and patient care areas where PPE is required.
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- A hospital or provider that begins conducting surgeries or procedures as authorized by this Proclamation must cease conducting such surgeries or procedures if it at any time is no longer able to comply with the above described requirements.
- Dentists and staff may resume providing dental services so long as the guidelines issued by the Iowa Dental Board are followed, the dentist has adequate inventories of PPE, and the dentist has a plan to conserve PPE consistent with guidance from the CDC and the IDPH.
- All health care facilities must continue to screen staff at the beginning of their shift for fever or other COVID-19 symptoms.
- All State agencies, school districts, and other local government bodies and agencies are to take all efforts to prepare to return students to in-person instruction for the fall 2020 semester. These efforts shall also ensure that schools have flexibility to continue providing education remotely if it becomes necessary.
- Brick-and-mortar school districts and accredited nonpublic schools are to provide instruction primarily through remote learning opportunities in the following circumstances:
  - If a parent or guardian voluntarily selects the remote learning opportunity from among multiple options provided by the school district or nonpublic school in accordance with its Return-to-Learn Plan.
  - If the Iowa Department of Education, in consultation with the IDPH, approves of the temporary move to primarily remote learning for an entire school building or district because of public health conditions in the building or district.
  - If the school district or accredited nonpublic school determines, in consultation with State and local public health departments, that individual students or classrooms, but not all the students in a public school building, must temporarily move to primarily remote learning because of public health conditions in the building.
  - If the school district or accredited nonpublic school determines that an entire school building or district must temporarily move to primarily remote learning because of inclement weather for a period not exceeding five consecutive school days, unless the IDPH approves of a longer period.
- Regulatory provisions of the Iowa Administrative Code limiting the number of consecutive days and the total number of days in a 30-day period that a person may serve as a substitute teacher during one job assignment continue to be temporarily suspended.
- Regulatory provisions of the Iowa Administrative Code requiring a baccalaureate degree or higher from a regionally accredited institution for an applicant to be issued a substitute authorization continue to be temporarily suspended, but only to the extent that the applicant instead has achieved an associate's degree or completed 60 semester hours of college coursework from a regionally accredited institution.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code requiring an applicant for a teaching license to be at least 21 years of age continue to be temporarily suspended so that individuals who are at least 20 years of age may apply.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code limiting the holder of a paraeducator certificate with a substitute authorization appearing on the certificate to substituting only in the special education classroom in which the paraeducator is employed continue to be temporarily suspended. For the duration of the public health disaster proclamation, a paraeducator who holds or obtains a substitute authorization on a paraeducator certificate may substitute in any classroom except for driver's education.
- Regulatory provisions of the Iowa Administrative Code prohibiting the holder of a career and technical secondary authorization or initial career and technical secondary authorization who has completed at least one year of teaching experience employed by a school district from serving as a substitute teacher in any classroom without further authorization from the Board of Educational Examiners continue to be temporarily suspended, except those provisions prohibiting the holder of a career and technical secondary authorization from teaching driver's education.

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- The Board of Educational Examiners is directed to provide guidance to school districts and individuals interested in serving as a substitute teacher in response to the above temporary Iowa Code suspensions.
  - Regulatory provisions of the Iowa Code requiring the repayment of reduction of an Iowa Public Employees' Retirement System member's retirement allowance if the member is reemployed or returns to employment as a teacher or substitute teacher continue to be temporarily suspended.
  - Provisions of the Iowa Code requiring an applicant for a one-year temporary teaching license to provide the Board of Educational Examiners proof of an offer of a teaching position from a school district that can show it has made every reasonable and good faith effort to employ a teacher licensed under Iowa Code chapter [272](#) continue to be temporarily suspended.
  - Regulatory provisions of the Iowa Code and Iowa Administrative Code requiring teacher licensure candidates to have a minimum number of hours of field experience continue to be suspended if the higher education institution providing the practitioner preparation program determines that the candidate has completed sufficient field experience to determine that the candidate should be recommended for licensure.
  - Regulatory provisions of the Iowa Code and Iowa Administrative Code pertaining to private educational instruction requiring face-to-face instruction and requiring and setting deadlines for annual assessments continue to be temporarily suspended.
  - Regulatory provisions of the Iowa Code and Iowa Administrative Code regarding academic eligibility continue to be temporarily suspended so that all student athletes will be deemed to be academically eligible when school and athletic competitions resume.
  - Regulatory provisions of the Iowa Code and Iowa Administrative Code requiring a certain number of days of ineligibility for interscholastic activities following a transfer continue to be temporarily modified so that any day a school is closed shall be counted toward the minimum number of days of ineligibility.
  - Regulatory provisions of the Iowa Code requiring an institutional health facility to obtain a certificate of need prior to operating additional bed capacity continue to be temporarily suspended.
  - Provisions of the Iowa Code and Iowa Administrative Code regarding health care facilities and residential care facilities that were temporarily suspended in previous Proclamations continue to be suspended.
  - Provisions of the Iowa Code and Iowa Administrative Code requiring face-to-face interactions with health care providers and imposing requirements for residential and outpatient substance use disorder treatment, and provisions restricting the use of telehealth services through audio-only telephone transmission, continue to be suspended, and health carriers continue to be directed to reimburse health care professionals for covered services provided through telehealth practices.
  - Provisions of the Iowa Code and Iowa Administrative Code prohibiting pharmacists from practicing therapeutic substitution without prior consent by the prescriber continue to be suspended.
  - Provisions of the Iowa Code and Iowa Administrative Code permitting a residential care facility or nursing facility to involuntarily discharge or transfer a resident for nonpayment for the resident's stay continue to be suspended.
  - Provisions of the Iowa Code and Iowa Administrative Code previously suspended regarding certain professional licensing examination requirements, expirations and renewals, practical and clinical hours, internship completion, and background checks continue to be suspended.
  - Provisions of the Iowa Code and Iowa Administrative Code requiring in-person clinical experience for emergency medical services (EMS) provider training, passage of the National Registry of Emergency Medical Technicians (NREMT) practical examination, and that a training program meet certain standards and guidelines continue to be suspended to the extent that alternative evaluation methods are used and the IDPH determines that the candidate has completed the cognitive examination and should be granted an emergency certification.

- Provisions of the Iowa Code and Iowa Administrative Code requiring a food establishment to renew its license within 60 days of expiration continue to be suspended.
- Provisions of the Iowa Code previously suspended regulating the sale of beer, wine, alcoholic liquor, and mixed drinks or cocktails, as well as the provisions previously suspended setting monthly timelines for taxation of the sale of alcohol, prohibiting refunds for seasonal or short-term licenses or permits, and prohibiting refund or raffle license fees, continue to be suspended.
- Provisions of the Iowa Code and Iowa Administrative Code prohibiting attorneys from submitting interim indigent defense fee claims in juvenile and criminal defense cases continue to be suspended.
- Provisions of the Iowa Code requiring a \$25 penalty for each month or fraction thereof that the registration for a swimming pool or spa is not received by the IDPH by April 30 continue to be temporarily suspended, and the IDPH is directed to refund penalties already paid for the registration period that began on May 1, 2020.
- Provisions of the Iowa Code and Iowa Administrative Code previously suspended so that counties may expend allocations from the county commissions of veteran affairs to aid veterans in coping with the disaster continue to be suspended.
- Provisions of the Iowa Code and Iowa Administrative Code requiring an executive director or administrator of a county commission of veteran affairs to complete veterans staff certification training within one year of employment continue to be temporarily suspended.
- Provisions of the Iowa Code requiring governmental entities to distribute, receive, open, or record paper documents used under the Iowa Construction Bidding Act continue to be suspended.
- Provisions of the Iowa Code requiring a peace officer's statement on a return of service to be made under oath continue to be suspended, to the extent that the peace officer may use electronic means to file the return of service and submit an inventory of seized property.
- Provisions of the Iowa Code setting requirements for public meetings and hearings for government subdivisions continue to be suspended to make allowances for electronic meetings and hearings.
- Provisions of the Iowa Code requiring a lawful custodian of public records to maintain office hours to receive in-person record requests, as well as previously temporarily suspended provisions requiring in-person examination or copying of public records, continue to be suspended to the extent that those records can be examined and copies can be provided by mail or electronic means.
- Provisions of the Iowa Code requiring physical presence for notarizations or the witnessing of certain legal documents continue to be suspended.
- Provisions of the Iowa Code requiring in-person case reviews of children receiving foster care continue to be suspended.
- Provisions of the Iowa Code that use the term "forensic interview" that require the interview to be conducted face-to-face continue to be suspended.
- Provisions of the Iowa Code and Iowa Administrative Code setting an enforcement date of May 1, 2020, for the American Society of Mechanical Engineers Safety Code for Existing Elevators and Escalators continue to be suspended.
- The Department of Agriculture and Land Stewardship continues to be directed to create and implement a program to provide financial assistance to livestock producers for the cost of disposal of livestock that were depopulated due to market disruption caused by COVID-19, and to provide technical assistance and equipment to assist livestock producers with depopulation and disposal efforts.
- Previously suspended provisions of the Iowa Code and Iowa Administrative Code restricting the movement of oversize and overweight loads and regulating hours of service when transporting certain goods continue to be suspended. The Iowa Department of Transportation continues to be directed to monitor the operation of this provision.
- Previously suspended provisions of the Iowa Code regarding driver and vehicle licensing and registration continue to be suspended.

- Provisions of the Iowa Code and Iowa Administrative Code imposing a fee to be collected by the State Registrar of Vital Statistics or a county recorder's office for a copy of certain documents, a search of records when no copy is made, or a search of records when no record is found continue to be temporarily suspended, so long as the search is part of an attempt to replace records lost, destroyed, or rendered illegible as a result of the derecho that occurred on August 10, 2020.
- Provisions of the Iowa Code requiring firearm permit applications be delivered in person continue to be suspended. Each sheriff's office continues to be directed to establish drop-off, mail-in, or electronic submission to the extent practical. Permits to carry shall continue to not expire during the Proclamation.
- Provisions of the Iowa Code limiting the use of online instruction in determining contact hours for apprenticeship sponsors continue to be suspended.
- Provisions of the Iowa Code and Iowa Administrative Code requiring an applicant to retake a high school equivalency degree test if the applicant has not earned a high school equivalency degree within five years of taking the first subtest continue to be suspended.
- Provisions of the Iowa Administrative Code that set a minimum contact hour requirement for community college instruction continue to be suspended.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code providing a maximum teaching load for community college instructors continue to be temporarily suspended with the requirement that a community college administration assigning an instructor a teaching load above the maximum credit load maintains written documentation that the instructor and administration mutually consented to the additional assignments.
- Provisions of the Iowa Code requiring administration of the Iowa Youth Survey every 2 years to students in grades 6, 8, and 11 in Iowa's public and nonpublic schools continue to be temporarily suspended.
- Provisions of the Iowa Code requiring instructional courses for drinking drivers to be delivered in person rather than online continue to be suspended.
- Provisions of the Iowa Code requiring an unattended fueling dispenser to provide a public phone continue to be suspended.
- Previously suspended provisions of the Iowa Code pertaining to pesticide applicators continue to be suspended.
- Provisions of the Iowa Code previously suspended so that retired State health care professionals, police officers, or fire fighters may return to work during this Public Health Disaster Emergency without receiving a reduction or requiring a repayment of the retired employee's retirement allowance continue to be suspended.
- The disaster response and recovery aspects of the Iowa Department of Homeland Security and Emergency Management's (HSEMD) Iowa Emergency Response Plan and any additional response plans activated by previous Proclamations continue to be active.
- Provisions of the Iowa Code prohibiting certain State employees from receiving overtime pay for hours worked in excess of 40 hours continue to be suspended.
- The order to all State agencies to utilize personnel, equipment, and facilities as necessary to assist the HSEMD and IDPH in performing any and all activities necessary to prevent, contain, and mitigate the effects of COVID-19 continues to be in place.
- Provisions of the Iowa Code and Iowa Administrative Code regarding maximum hours a temporary employee may work for the State continue to be suspended.
- Provisions of the Iowa Code and Iowa Administrative Code regarding the procurement of goods and services when those goods and services are necessary to prevent, contain, or mitigate the effects of COVID-19 continue to be suspended.

For additional information regarding the Proclamation of a State of Disaster Emergency, see the LSA [Legal Background Briefing](#).

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