
FISCAL UPDATE Article

Fiscal Services Division

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COVID-19 — GOVERNOR'S PROCLAMATIONS — MAY 26, 2020

Proclamation of Disaster Emergency, May 26, 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 May 26, 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 to be effective May 28, 2020, until June 17, 2020:

- Restaurants and bars may reopen under the following requirements:
 - Establishments must limit their capacity to 50.0% of the normal operating capacity.
 - Establishments must limit party size seated together to no more than 10 people.
 - 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.
 - Self-service food and beverage options are prohibited.
 - Live performers must remain at least six feet away from patrons.
 - Establishments must also 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 limit their capacity to 50.0% of the normal operating capacity.
 - 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 also 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:
 - Malls must limit their capacity to 50.0% of the normal operating capacity.
 - All common seating areas and food courts must remain closed.
 - Restaurants may operate on a carryout basis.
 - Play areas must remain closed.

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- Establishments must also implement reasonable measures to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19.
 - Other retail establishments may reopen or remain open, but must limit the number of customers present to 50.0% of the normal operating capacity and implement reasonable measures to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19.
 - Salons may reopen or remain open under the following requirements:
 - Establishments must limit their capacity to 50.0% of the normal operating capacity.
 - 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 also implement reasonable measures to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19.
 - 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:
 - The salon or barbershop must limit its occupancy to 50.0% of its normal operating capacity.
 - The salon or barbershop must operate on an appointment basis to limit the individuals in waiting areas.
 - The salon or barbershop must ensure that all customers remain at least six feet apart when performing cosmetology or barbering practices.
 - 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.
 - 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 Iowa Department of Public Health (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
 - Speedways and racetracks may reopen provided they do not permit spectators to attend in person until June 1, 2020, at which point a speedway or racetrack may permit spectators to attend under the following requirements:
 - Capacity must be limited to 50.0% of the normal operating capacity.
 - Establishments must ensure at least six feet of physical space between groups and individuals attending alone.
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- Establishments must also implement reasonable measures to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19.
- Movie theaters may reopen or remain open under the following requirements:
 - Capacity must be limited to 50.0% of the normal operating capacity.
 - Theaters must ensure at least six feet of physical space between groups and individuals attending alone.
 - Self-service food is prohibited.
 - Theaters must also implement reasonable measures to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19.
- Swimming pools as defined by Iowa Code section [135I.1](#) may reopen for lap swimming or swimming lessons, but must take reasonable measures to ensure social distancing of employees and patrons, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19.
- Outdoor performance venues may reopen on June 1, 2020, under the following requirements:
 - Capacity must be limited to 50.0% of the normal operating capacity.
 - The establishment must ensure at least six feet of physical space between groups and individuals attending alone.
 - Venues must also 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 on June 1, 2020, under the following requirements:
 - The establishment must limit capacity to 50.0% of the normal operating capacity.
 - The establishment must ensure that gaming and wagering positions are placed so that there is at least six feet of physical space between patrons.
 - The establishment must comply with the same requirements placed on bars and restaurants with regard to the service of food and beverages.
 - The establishment must also implement reasonable measures to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19.
- Amusement facilities such as bowling alleys, pool halls, arcades, amusement parks, and skating rinks and skate parks may reopen on June 1, 2020, but must limit the number of patrons present to 50.0% of the normal operating capacity and implement reasonable measures to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19.
- Outdoor playgrounds may reopen on June 1, 2020.
- The following establishments shall remain closed until June 17, 2020:
 - Indoor theaters and performance venues in which live performances are held.
 - Senior citizen centers and adult day care centers.
 - Indoor playgrounds.
- Mass gatherings of more than 10 people continue to be prohibited until May 31, 2020, except that spiritual and religious gatherings are not prohibited. People present who remain inside fully enclosed motor vehicles shall not be counted as one of the 10 people present for any gathering so long as they remain in the vehicle. Beginning June 1, 2020, and continuing until June 17, 2020, social, community, recreational, leisure, or sporting events may be held under the following requirements:

- Attendance must be limited to 50.0% of the normal operating capacity.
- The organizer must ensure at least six feet of physical space between groups and individuals attending alone.
- The organizer must also implement reasonable measures to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19.
- Farmers markets as defined in Iowa Code chapter [137F](#) are not prohibited as mass gatherings but must adhere to the following requirements:
 - Only vendors selling farm products or food are permitted.
 - Children's activities, contests, and other entertainment activities are prohibited.
 - Common seating areas are prohibited.
 - Vendor booths must be spaced at least six feet apart.
 - The organizers must also implement reasonable measures to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19.
- Auctions are permitted, but the organizer must limit the number of persons present to 50.0% of the normal operating capacity and implement reasonable measures to ensure social distancing.
- 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 has a plan to conserve PPE consistent with guidance from the Centers for Disease Control and Prevention 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 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 20.0% of intensive care beds and 30.0% 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.
 - 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 Centers for Disease Control and Prevention (CDC) and the IDPH.
- The prohibition of mass gatherings and closure of certain facilities continue to not apply to elections or precinct election official training activities.
- All health care facilities must continue to screen staff at the beginning of their shift for fever or other COVID-19 symptoms.
- Public and nonpublic schools may reopen for school-sponsored activities and learning effective June 1, 2020.

- Regulatory provisions of the Iowa Code and Iowa Administrative Code requiring curriculum standards and completion of specific credit units for completion of a high school program of study for the Iowa high school graduating class of 2020 continue to be suspended.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code requiring each Iowa pupil physically able to do so to complete a psychomotor course that leads to certification in cardiopulmonary resuscitation (CPR) in order to graduate from high school for the Iowa high school graduating class of 2020 continue to be 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 student has completed sufficient field experience to determine that the student should be recommended for licensure.
- Regulatory provisions of the Iowa Code requiring not less than four fire drills and not less than four tornado drills during the school year in each school building continue to be suspended.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code that disqualify an Iowa Public Employees' Retirement System member who is a school district employee from qualifying for a bona fide retirement or being eligible to receive retirement benefits because the member participates as an unpaid volunteer in a high school graduation ceremony that was delayed until after the member's retirement on account of the public health disaster emergency or in preparation activities for the ceremony, even if such participation would have been a part of the member's normal duties or a traditionally paid position, are temporarily suspended.
- Regulatory provisions of the Iowa Code that require certification of school district budgets by April 15 and prohibit the electronic submission of the budget by email to the county auditor are temporarily suspended.
- Regulatory provisions of the Iowa Code prohibiting a school district or accredited nonpublic school from beginning its school calendar before August 23, 2020, continue to be temporarily suspended, but only if the school district adopts a calendar as a part of its Return to Learn Plan submitted to the Iowa Department of Education that ensures that any instructional time scheduled before August 23, 2020, is in excess of the minimal instructional time of 180 days or 1,080 hours. This suspension applies only to the 2020-2021 school calendar.
- 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.
- Regulatory provisions of the Iowa Code requiring health care facilities or assisted living programs to complete a criminal background check prior to employment of an individual continue to be suspended.
- Regulatory provisions of the Iowa Code and Iowa Administrative Code requiring nursing facilities to submit license renewal applications at least 30 days prior to expiration continue to be temporarily suspended.
- Regulatory provisions of the Iowa Administrative Code requiring nursing students to successfully complete a medication aide course or challenge exam prior to administering medications in nursing or immediate care facilities 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 prohibiting a county hospital from borrowing moneys secured solely by hospital revenues, preventing a board of a county hospital from authorizing noncurrent debt, and requiring notice and publication of the proposed action prior to the authorization of noncurrent debt 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 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.
- 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 requiring the imposition of penalty and interest for delay in payment of property taxes continue to be suspended.
- Provisions of the Iowa Code requiring a county treasurer to hold a tax sale for any parcel on which real estate taxes are delinquent, including notice and publication requirements, provisions permitting a county treasurer to collect delinquent taxes by alternative remedy, provisions relating to the expiration of right of redemption, provisions requiring the accrual or imposition of interest for a tax sale redemption, and provisions requiring a treasurer to make out a deed immediately after the expiration of 90 days from the date of completed service of a notice of expiration of the right of redemption, continue to be suspended.
- Provisions of the Iowa Code and Iowa Administrative Code requiring a taxpayer who has made contributions to the Iowa Educational Savings Plan Trust on or after January 1, 2020, but on or before the deadline, to elect to be deemed to have made contributions in the preceding tax year continue to be suspended, so long as that election is made before the end of this suspension.
- Provisions of the Iowa Code and Iowa Administrative Code requiring the designation of a beneficiary of a first-time homebuyer savings account by April 30, 2020, for accounts opened in 2019 continue to be suspended, so long as the designation is made before the end of this suspension.
- 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 the refund or raffle license fees, continue to be suspended.

- Provisions of the Iowa Code and Iowa Administrative Code requiring that a food establishment renew its license within 60 days of expiration continue to be suspended.
- Provisions of the Iowa Code and Iowa Administrative Code requiring sellers of beverages on which an Iowa deposit was made to accept empty beverage containers for deposit redemption 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 are 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 veterans affairs to complete veterans staff certification training within one year of employment are temporarily suspended.
- Provisions of the Iowa Code limiting the amount of School Ready Children Grant funding an Early Childhood Iowa Area Board may carry forward from fiscal year 2020 to fiscal year 2021 continue to be suspended, thereby raising the limit from 20.0% to 35.0%.
- 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 requiring corporate shareholders, policyholders, or members, as well as governmental bodies, to vote in person continue to be suspended if meetings and votes are held by means of remote communication.
- 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 is 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 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 the 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.
- Provisions of the Iowa Code and Iowa Administrative Code requiring each student participating in interscholastic athletics to present a certificate indicating that the student has been examined by an appropriate medical professional and determined to be able to safely engage in athletic competition continue to be suspended.
- 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 are 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.
- Provisions of the Iowa Code pertaining to pesticide applicators' certification requirements continue to be suspended to the extent that they apply to applicators who were certified as of December 31, 2019, or if not certified, so long as the applicator is under the direct supervision of a certified applicator.
- Provisions of the Iowa Code requiring certification of commercial applicators of pesticides who apply pesticides to agricultural land continue to be suspended so long as the applicator meets the requirements of a private applicator.
- Provisions of the Iowa Code requiring certification of a pesticide applicator continue to be suspended insofar as the applicator is engaging in the business of applying pesticides to the lands or property of another with the purpose of disinfecting or sanitizing areas where humans live, work, or congregate.
- 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 Disaster Emergency, see the LSA [Legal Background Briefing](#).

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