State of Iowa

Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, the World Health Organization has reported an outbreak of thousands of cases of Novel Coronavirus 2019 (COVID-19) in multiple countries, causing illness and deaths; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services declared a national public health emergency; and

WHEREAS, on March 9, 2020, a Proclamation of Disaster Emergency was issued to coordinate the State of Iowa's response to this outbreak and such disaster continues to exist; and

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

WHEREAS, on March 13, 2020, President Donald J. Trump issued a proclamation declaring that the COVID-19 outbreak in the United States constitutes a national emergency; and

WHEREAS, multiple cases of COVID-19 have been confirmed in Iowa, and the Iowa Department of Public Health has determined that community spread of COVID-19 is occurring within our state; and

WHEREAS, reports forwarded by local public health officials and state public health officials indicate that local resources and capacities are being exhausted and state assistance and resources are necessary to respond to and recover from the effects of this public health disaster; and

WHEREAS, local jurisdictions may not have sufficient personnel and other resources to effectively conduct epidemiologic investigations of infectious disease outbreaks, provide medical care, and respond to health threats; and

WHEREAS, COVID-19 can spread person-to-person and poses a possibility of causing severe illness in certain populations and disability and/or death to certain Iowans. Likewise, reports forwarded by federal, state, and local officials indicate that state assistance is needed to manage and contain this outbreak; and

WHEREAS, the risk of transmission of COVID-19 may be substantially reduced by separating and restricting the movement of persons known or suspected to have the disease, or who have been exposed to those known or suspected to have the disease; and

WHEREAS, the risk of transmission of COVID-19 may be substantially reduced by community containment strategies that may include temporarily closing schools in affected communities and other public venues; and

WHEREAS, strict compliance with the provision of the Iowa Code and Iowa Administrative Code requiring a certificate of need prior to an institutional health facility operating additional bed capacity will also prevent or hinder efforts to contain this public health disaster.

WHEREAS, strict compliance with the provisions of Iowa law which establish preconditions or which would otherwise limit or restrict the provision of telehealth or telemedicine services and those which require face-to-face interactions with health care providers and requirements for residential and outpatient treatment and face-to-face visitations, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state.

WHEREAS, strict compliance with the provisions of Iowa law which prohibit the practice of medicine and surgery, osteopathic medicine and surgery, nursing, respiratory care, and practice as a physician assistant, with an inactive or lapsed license would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state.

WHEREAS, strict compliance with the provisions of Iowa Code § 29C.6 (6), I temporarily suspend the regulatory provisions of Iowa Code § 256.16(1)(a)(2)(d) and (m) and Iowa Admin. Code rules 281-77.10 (9), 281-79.14(5), and 281-79.14(7) that require a minimum number of hours of field experience in a practitioner preparation program provided by a higher education institution would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state.

WHEREAS, strict compliance with the regulatory provisions of Iowa Code §§ 321.174A, 321.196, 321.39, 321.46, 321.25 regarding driver's license, title, and vehicle registration requirements would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state.

WHEREAS, strict compliance with the permit and fee requirements of Iowa Code § 321E.29 and Iowa Admin. Code chapter 761-511 allowing oversize and overweight divisible loads under certain circumstances will prevent or hinder efforts to cope with this disaster in all counties of our state.

WHEREAS, strict compliance with the requirements of Iowa Code § 455C.3 (1) and Iowa Admin. Code chapter 567-107 that such dealers must accept empty beverage containers on which an Iowa deposit was made will prevent or hinder efforts to cope with this disaster in all counties of our state.

NOW THEREFORE, I, KIMBERLY K. REYNOLDS, Governor of the State of Iowa, by the power and authority vested in me by the Iowa Constitution, Art. IV, §§ 1, 8 and Iowa Code §§ 29C.6(1), 135.140(6), and 135.144 do hereby proclaim a **STATE OF PUBLIC HEALTH DISASTER EMERGENCY** throughout the entire state of Iowa and do hereby **ORDER** and **DIRECT** the following:

SECTION ONE. Pursuant to Iowa Code § 29C.6 (1) and (10), I hereby activate the public health response and recovery aspects of the state disaster emergency plan applicable to this public health disaster and authorize the use and deployment of all available state resources, supplies, equipment, and materials as are reasonably necessary pursuant to those plans to assist those citizens located in the counties subject to this proclamation.

SECTION TWO. I hereby direct the Iowa Department of Public Health, in conjunction with whatever further direction I provide, to take those reasonable and necessary actions authorized by Iowa Code § 135.144 to address this public health disaster, including but not limited to mobilizing as many public health response teams as are necessary to supplement and support disrupted or overburdened local medical and public health personnel, hospitals, and resources, as allowed by Iowa Code § 135.143 and 641 Iowa Admin. Code 113.2 (1), with the understanding that the registered members of those public health response teams providing assistance under this authority shall receive the protections and benefits of state employees as allowed by law.

SECTION THREE. Pursuant to Iowa Code § 135.144 (3), and in conjunction with the Iowa Department of Public Health, unless otherwise modified by subsequent proclamation or order of the Iowa Department of Public Health, I hereby order that effective Noon today, March 17, 2020, and continuing until 11:59 p.m. on March 31, 2020:

A. **Restaurants and Bars:** All Restaurants and Bars are hereby closed to the general public except that to the extent permitted by applicable law, and in accordance with

any recommendations of the Iowa Department of Public Health, food and beverages may be sold if such food or beverages are promptly taken from the premises, such as on a carry-out or drive-through basis, or if the food or beverage is delivered to customers off the premises.

B. **Fitness Center**: All fitness centers, health clubs, health spas, gyms, aquatic centers are hereby closed.

C. **Theaters**: All theaters or other performance venues at which live performances or motion pictures are shown are hereby closed.

D. **Casinos and Gaming Facilities:** All casinos and other facilities conducting pari-mutuel wagering or gaming operations are hereby closed.

E. **Mass Gathering:** Social, community, spiritual, religious, recreational, leisure, and sporting gatherings and events of more than 10 people are hereby prohibited at all locations and venues, including but not limited to parades, festivals, conventions, and fundraisers. Planned large gatherings and events must be canceled or postponed until after termination of this disaster.

F. **Senior Citizen Centers and Adult Daycare Facilities:** All facilities that conduct adult day services or other senior citizen centers are hereby closed.

SECTION FOUR. I hereby direct all state agencies to coordinate expeditiously in developing plans to mitigate the economic effects of the closings necessitated by this disaster, including potential financial support, regulatory relief, and other executive actions.

SECTION FIVE. As required by Iowa Code § 29C.6 (1), (10) and 42 U.S.C. § 5170 in cases of Presidential Disaster Declarations, this Proclamation of Disaster Emergency continues to activate the disaster response and recovery aspects of the Iowa Department of Homeland Security and Emergency Management's Iowa Emergency Response Plan and those additional response plans applicable to the counties affected by this disaster and authorizes the use and deployment of all available state resources, supplies, equipment, and materials as are reasonably necessary to assist those citizens located in the disaster affected counties.

SECTION SIX. Pursuant to Iowa Code § 29C.6 (6), I continue to temporarily suspend the regulatory provisions of 11 Iowa Admin. Code § 53.11 (3) prohibiting pay to those State of Iowa employees for hours worked in excess of 40 hours per workweek while present in the State's Emergency Operations Center or otherwise engaged in assigned disaster response missions or other activities.

SECTION SEVEN. Pursuant to Iowa Code § 29C.6 (8) and (10), I continue to order all state agencies to utilize such personnel, equipment, and facilities as necessary to assist the Iowa Department of Public Health and the Iowa Department of Homeland Security and Emergency Management in performing any and all activities necessary to prevent, contain, and mitigate the effects of the COVID-19 virus.

SECTION EIGHT. Pursuant to Iowa Code § 29C.6 (6), I temporarily suspend the regulatory provisions of Iowa Code §§ 135.61 through 135.73 requiring an institutional health facility to obtain a certificate of need prior to operating additional bed capacity. Suspension of these provisions is limited to the duration of this proclamation and is further limited to the provision of medical assistance and treatment of victims of this public health emergency.

SECTION NINE. Pursuant to Iowa Code § 29C.6 (6), I temporarily suspend the regulatory provisions of Iowa Code § 147.137 and Iowa Admin. Code rule 653-13.11, rule 641-155.2, and other implementing administrative rules establishing preconditions, limitations, or restrictions on the provision of telehealth or telemedicine services, and I temporarily suspend the regulatory provisions of Iowa Admin. Code rules 641-155.21(19) and 155.23(4) and other administrative rules which require face-to-face interactions with health care providers and impose requirements for residential and outpatient substance use disorder treatment and for face-to-face visitations.

SECTION TEN. Pursuant to Iowa Code § 29C.6 (6), I temporarily suspend the regulatory provisions of Iowa Code § 147.10 and Iowa Admin. Code rules 653-9.13(6) and 9.14,

rules 655-3.7(5), rules 645-261.8, and rules 645-326.9(8), and all other implementing administrative rules which prohibit the practice of medicine and surgery, osteopathic medicine and surgery, nursing, respiratory care, and practice as a physician assistant, by a licensee whose license is inactive or lapsed. Suspension of these provisions is limited to licenses which have lapsed or expired within the five (5) years prior to this Proclamation and is further limited to the provision of medical and nursing care and treatment of victims of this public health disaster emergency and solely for the duration of this Proclamation.

SECTION ELEVEN. Pursuant to Iowa Code § 29C.6 (6), I temporarily suspend the regulatory provisions of Iowa Code § 256.16(1)(a)(2)(d) and (m) and Iowa Admin. Code rules 281-77.10 (9), 281-79.14(5), and 281-79.14(7), to the extent that they require a minimum number of hours of field experience if the higher education institution providing practitioner preparation program determines that the student has completed sufficient field experience to determine that the student should be recommended for licensure.

SECTION TWELVE. Pursuant to Iowa Code § 29C.6 (6), I temporarily suspend the regulatory provisions of Iowa Code § 321.196 prescribing that a driver's license issued to a person age seventy-two or older expires after two years. Suspension of this provision is limited to driver's licenses which have expired within the 60 days prior to this Proclamation or during the duration of this Proclamation or any subsequent extension of this proclamation. And upon the expiration of the terms of this Proclamation or any subsequent extension of this proclamation, the statutory sixty-day period for renewing shall resume. This suspension shall not apply if the person is not eligible for a license due to the person's license being suspended, revoked, denied or barred for any reason or if the person is physically or mentally incapable of operating a motor vehicle safely.

SECTION THIRTEEN. Pursuant to Iowa Code § 29C.6 (6), I temporarily suspend the regulatory provisions of Iowa Code § 321.174A prescribing that a person shall not operate a motor vehicle on the highways of this state with an expired driver's license as applied to a person whose driver's license is expired. Suspension of this provision is limited to driver's licenses which have expired within the 60 days prior to this Proclamation or during the duration of this Proclamation or any subsequent extension of this proclamation. And upon the expiration of the terms of this Proclamation or any subsequent extension of this proclamation, the statutory sixty-day period for renewing shall resume.

SECTION FOURTEEN. Pursuant to Iowa Code § 29C.6 (6), I temporarily suspend the regulatory provisions of Iowa Code § 321.39 prescribing expiration dates for vehicle registration, registration cards, and registration plates as applied to a person whose vehicle registration, registration card, or registration plate is expired. Suspension of this provision is limited to vehicle registration, registration cards, and registration plates which have expired within the 60 days prior to this Proclamation or during the duration of this Proclamation or any subsequent extension of this proclamation.

SECTION FIFTEEN. Pursuant to Iowa Code § 29C.6 (6), I temporarily suspend the regulatory provisions of Iowa Code § 321.46 prescribing a transferee of a new motor vehicle shall apply for a new registration and certificate of title within 30 days of the purchase.

SECTION SIXTEEN. Pursuant to Iowa Code § 29C.6 (6), I temporarily suspend the regulatory provisions of Iowa Code § 321.25 prescribing a vehicle may be operated upon the highways of this state without registration plates for a period of 45 days after the date of delivery of the vehicle to the purchaser from a dealer.

SECTION SEVENTEEN. Pursuant to Iowa Code §29C.6 (6), I continue to temporarily suspend the regulatory provisions of Iowa Code §§ 321.463 (6) (a) and (b) and 321E.29 and Iowa Admin. Code chapter 761-511, to the extent that those provisions restrict the movement of oversize and overweight loads of food, medical supplies, cleaning products, and other household goods, and require a permit to transport such loads.

A. Suspension of these provisions applies to loads transported on all highways within Iowa, excluding the interstate system, and those which do not exceed a maximum of 90,000 pounds gross weight, do not exceed the maximum axle weight limit determined under the non-primary highway maximum gross weight table in Iowa Code §321.463 (6)

(b), by more than twelve and one-half percent (12.5%), do not exceed the legal maximum axle weight limit of 20,000 pounds, and comply with posted limits on roads and bridges.

B. This action is intended to allow vehicles transporting food, medical supplies, cleaning products, and other household goods to be oversize and overweight, not exceeding 90,000 pounds gross weight, without a permit, but only for the duration of this proclamation.

C. The Iowa Department of Transportation is hereby directed to monitor the operation of this proclamation to assure the public's safety and facilitate the movement of trucks involved in transporting food and other household goods.

SECTION EIGHTEEN. Pursuant to Iowa Code § 29C.6 (6), I continue to temporarily suspend the regulatory provisions of Iowa Code § 455C.3 (1) and Iowa Admin. Code chapter 567-107, to the extent that those provisions require a dealer to accept an empty beverage container on which an Iowa deposit was made. This action is intended to allow retailers who engage in the sale of liquor, beer, wine, carbonated beverages, and other beverages on which an Iowa beverage container deposit is made to stop accepting empty beverage containers for the duration of this disaster emergency.

SECTION NINETEEN. Pursuant to Iowa Code § 29C.6 (6) and 49 CFR § 390.23, I continue to temporarily suspend the regulatory provisions of Iowa Code § 321.449 pertaining to hours of service of motor carriers and drivers of commercial motor vehicles, while transporting vaccines, antivirals, prescription drugs, protective equipment, and other necessary medical assets, subject to the following condition:

A. Nothing contained in this Proclamation shall be construed as an exemption from the controlled substances and alcohol use and testing requirements set out in 49 CFR Part 382, the commercial drivers' license requirements set out in 49 CFR Part 383, the financial responsibility requirements set out in 49 CFR Part 387, or any other portion of the Code of Federal Regulations not specifically identified in this Proclamation.

B. No motor carrier operating under the terms of this agreement shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive hours off duty before the driver is required to return to service.

C. Upon the request of a driver, a commercial motor carrier operating under this proclamation must give the driver at least thirty-four (34) consecutive hours off when the driver has been on duty for more than seventy (70) hours during any eight (8) consecutive days.

D. Motor carriers that have an out-of-service order in effect may not take advantage of the relief from regulations that this proclamation provides under title 49 CFR § 390.23.

E. Upon the expiration of this Proclamation, or when a driver has been relieved of all duty and responsibility to transport necessary medical assets under the conditions of this Proclamation, a driver who has had at least thirty-four (34) consecutive hours off duty shall be permitted to start the driver's on-duty status hours with the 60/70 hour clock at zero.

F. This portion of this Proclamation of Disaster Emergency applies only to hours of service of motor carriers and drivers of commercial motor vehicles while actively transporting medical assets related to the COVID-19 event.

SECTION TWENTY. Pursuant to Iowa Code § 29C.6 (6), I continue to temporarily suspend the regulatory provisions of Iowa Code Chapter 8A, Iowa Code § 313.10, 11 Iowa Admin. Code Chapters 117 and 118, and 641 Iowa Admin. Code Chapter 176, requiring the Iowa Department of Public Health, the Iowa Department of Homeland Security and Emergency Management, and other state agencies involved in the response to this disaster emergency to procure goods and services through a competitive selection process. Suspension of these provisions is limited to the duration of this proclamation and is further limited to procurements which are necessary to prevent, contain, or mitigate the effects of the COVID-19 virus.

SECTION TWENTY-ONE. The Iowa Department of Public Safety, the Iowa Department of Public Health, the Iowa Department of Education, the Iowa Department of Homeland Security and Emergency Management, the Iowa Department of Transportation and other participating state agencies are hereby directed to monitor the operation and implementation of this proclamation to assure the public's health and safety.

SECTION TWENTY-TWO. Nothing contained in this declaration shall be construed as an exemption from any other portion of the Iowa Code or Iowa Administrative Code not specifically identified in this proclamation.

SECTION TWENTY-THREE. This state of disaster emergency shall be effective immediately on March 16, 2020 shall continue for thirty (30) days, and shall expire on April 16, 2020, at 11:59 p.m., unless sooner terminated or extended in writing by me. Iowa Code § 29C.6 (1).

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND CAUSED THE GREAT SEAL OF THE STATE OF IOWA TO BE AFFIXED AT DES MOINES, IOWA THIS 17th DAY OF MARCH IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY.

KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:

PAUL D. PATE
SECRETARY OF STATE