



BILL LEE
GOVERNOR
STATE OF TENNESSEE

April 1, 2020

Sheriffs, Police Chiefs, District Attorneys General
c/o their respective associations

RE: Executive Order Nos. 17 and 21 regarding restaurants, bars, food and drink establishments, gyms, exercise/fitness facilities, and close-contact personal services businesses, and entertainment and recreational gathering venues

Dear Sirs/Madams:

By now you are aware that Executive Order Nos. 17 and 21 have been issued pursuant to emergency authority under Tenn. Code Ann. § 58-2-107 to limit the spread of the COVID-19 pandemic. These Orders have the force of law and are in effect until 11:59 p.m. on Tuesday, April 14, 2020. Copies of the Orders are attached for your convenience.

The Orders permit restaurants, bars, and similar food and drink establishments to offer only drive-through, pickup, carry-out, or delivery service. *In contrast*, the Orders expressly prohibit establishments from being open for eating or drinking anywhere onsite.

The Orders require closure of gyms, fitness/exercise centers, and substantially similar facilities.

The Orders also require closure of businesses that perform close-contact personal services and entertainment and recreational venues. A sample list of such businesses can be found in Executive Order No. 21.

Under Tenn. Code. Ann. § 58-2-107(f), a governor may “give such direction to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with this chapter and the orders and rules made pursuant thereto.” Further, violation of an emergency Executive Order is also a Class A misdemeanor under Tenn. Code Ann. § 58-2-120.

While it is my hope and expectation that Tennesseans—in order to protect themselves, their loved ones, their customers, and their communities from the spread of COVID-19—will comply with these Orders, please interpret this letter as authority to take reasonable steps to implement the provisions of Executive Order Nos. 17 and 21 in your jurisdiction. I ask you to utilize sound judgment, restraint, and discretion to first educate and warn your local businesses and establishments in order to provide them all reasonable opportunity to comply. Enforcement

measures should be used as a last and final option only if they become necessary due to a refusal to voluntarily comply after all other reasonable means have been exhausted.

Thank you for your cooperation in this regard. This is a grave and unusual matter, and I value greatly your service and the critical role and duty vested in you to preserve the safety and health of your community and your state.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bill Lee", with a long horizontal flourish extending to the right.

Governor Bill Lee

cc: City and County Mayors



STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

No. 17

AN ORDER TO MITIGATE THE SPREAD OF COVID-19 BY LIMITING SOCIAL GATHERINGS, DINE-IN SERVICE, AND GYM USE, AND EXPOSURE AT NURSING AND RETIREMENT HOMES, AND PROVIDING FLEXIBILITY FOR RESTAURANTS REGARDING THE SALE OF ALCOHOL

WHEREAS, local, state, and federal officials have taken numerous actions to limit the spread of Coronavirus Disease 2019 (COVID-19), including a series of statewide executive orders, a nationwide emergency declaration by President Trump, and many local health and emergency orders and actions; and

WHEREAS, on March 4, 2020, the first case of COVID-19 in the State of Tennessee was identified, and 370 additional cases of COVID-19 have been identified in Tennessee in the ensuing two-and-a-half weeks, indicating that the number of cases continues to increase and presents a serious risk to the health, safety, and welfare of Tennesseans; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has stated that COVID-19 is frequently spread “[b]etween people who are in close contact with one another (within about 6 feet),” and on March 16, 2020, President Trump issued the President’s Coronavirus Guidelines for America, which encourage people to contribute to the containment of COVID-19 by taking various precautions, including:

- a. Working from home whenever possible;
- b. Avoiding social gatherings of ten (10) or more people;
- c. Avoiding eating or drinking at restaurants, bars, and food courts, and instead using drive-thru, pick-up, or delivery options;
- d. Avoiding discretionary travel and social visits;
- e. Avoiding discretionary visits to nursing homes, retirement homes, or long-term care facilities;
- f. Avoiding close contact with people who are sick, and distancing oneself from others, especially those who are at higher risk of getting sick, including in particular older adults and persons with serious chronic medical conditions; and

g. Practicing good personal hygiene, including washing hands, especially after touching any frequently used item or surface, avoiding touching the face, and disinfecting frequently used items and surfaces as much as possible; and

WHEREAS, consistent with this guidance, Tennesseans, businesses, places of worship, and governmental and nongovernmental entities and organizations of all types are making sacrifices to limit the spread of COVID-19, and the provisions of this Order are designed to support such sensible and compassionate efforts, which will protect Tennesseans and allow normal activities to resume sooner; and

WHEREAS, restaurants have been uniquely damaged by the COVID-19 outbreak, and it is important to provide them and the many Tennesseans they employ with tools to weather these unique circumstances and continue serving customers in an innovative, safe way; and

WHEREAS, Tennesseans are encouraged to continue to engage in the healthy and essential activities of daily life, including supporting local businesses and their employees while adhering to the health and safety measures set forth in this Order, so that we will safeguard to the greatest extent possible the economic well-being of so many Tennesseans whose lives and work have been disrupted by the COVID-19 outbreak and ensure that Tennessee is best positioned to recover following this outbreak; and

WHEREAS, in addition to the other emergency management powers granted by law, Tennessee Code Annotated, Section 58-2-107(e), provides that during a state of emergency, the Governor is authorized to suspend laws and rules regarding the conduct of state business if necessary to cope with the emergency, order evacuations from certain areas, make orders concerning entry and exit and the occupancy of premises within an emergency area, and take measures concerning the conduct of civilians and the calling of public meetings and gatherings, among other things; and

WHEREAS, the temporary suspension of selected state laws and rules and the other measures contained herein are necessary to facilitate the response to the current emergency.

NOW THEREFORE, I, Bill Lee, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and other applicable law, in light of the continuing state of emergency to facilitate the response to COVID-19, do hereby order the following statewide:

1. In accordance with the President's Coronavirus Guidelines for America and the guidance from the CDC, to limit the spread of COVID-19 so that normal life and activities may resume as soon as possible:
 - a. Persons in the State of Tennessee shall not participate in social gatherings of ten (10) or more people.
 - b. Persons in the State of Tennessee shall not eat or drink onsite at restaurants, bars, or other similar food or drink establishments, and

shall not visit gyms or fitness/exercise centers or substantially similar facilities.

- c. Restaurants, bars, and similar food or drink establishments, including nightclubs, shall not be open to persons, except only to offer drive-through, pickup, carry-out, or delivery service for food or drink, and persons are highly encouraged to use such drive-through, pickup, carry-out, or delivery options to support such businesses during this emergency.
 - d. Gyms or fitness/exercise centers or substantially similar facilities shall not be open to members or the public, although persons are highly encouraged to use any available electronic or virtual fitness options to support such businesses during this emergency.
 - e. Persons in the State of Tennessee shall not visit nursing homes, retirement homes, or long-term care or assisted-living facilities, unless to provide essential assistance or to visit residents receiving imminent end-of-life care, provided such visits may be accomplished without unreasonable risk to other residents. Persons are highly encouraged to use available electronic or virtual communication to spend time with their family members, friends, loved ones, and other persons in those facilities.
 - f. Persons and businesses should take particular care to protect the well-being of those populations especially vulnerable to COVID-19, including older adults and persons with compromised immune systems or serious chronic medical conditions, by, among other things, taking care to adhere to all precautions advised by the President and the CDC and refraining to the extent practicable from physical contact and association. Businesses should further consider implementing measures to protect our most vulnerable populations by, for example, offering delivery service or special opportunities for members of vulnerable populations to shop in retail establishments exclusive of the general population.
2. This Order does not mandate sheltering in place and does not prohibit persons from visiting places necessary to maintain health and economic well-being, including grocery stores, gas stations, parks, and banks, among other places, so long as they observe the necessary precautions advised by the President and the CDC to reduce the spread of COVID-19.
 3. All critical infrastructure remains operational, and government entities and businesses will continue providing important and essential services.

4. For offices, workplaces, and businesses that remain open, employees should work from home where feasible, and employees and their customers should practice good hygiene and observe the necessary precautions advised by the President and the CDC to reduce the spread of COVID-19.
5. The provisions of Tennessee Code Annotated, Title 57, and related rules and other state or local laws, orders, rules, or regulations are temporarily suspended to the extent necessary to allow restaurants and limited service restaurants, as defined in Tennessee Code Annotated, Section 57-4-102, and wine-only restaurants, as permitted by Tennessee Code Annotated, Section 57-4-101(c), to sell for take-out or delivery alcoholic beverages or beer, so long as the following conditions are met:
 - a. Any sale of an alcoholic beverage or beer is for consumption off of the premises of the restaurant, limited service restaurant, or wine-only restaurant (collectively referred to hereafter as “restaurant”) and is accompanied by the sale of food in the same order;
 - b. An alcoholic beverage or beer sold under this Paragraph 5 must be packaged in a container or bottle with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap, and customers shall not remove such lids or caps while operating a motor vehicle;
 - c. Single servings of alcoholic beverages or beer and multi-serving bottles or containers of beer or wine normally sold by the restaurant may be sold under this Paragraph 5, but not bottles of spirits or liquor;
 - d. A restaurant selling alcoholic beverages or beer under this Paragraph 5 shall prominently post a warning in a manner reasonably calculated to provide notice to customers of open container laws, which must include the following language from Tennessee Code Annotated, Section 55-10-416: “No driver shall consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state.”;
 - e. An employee or contractor of a restaurant providing or delivering alcoholic beverages or beer to a customer under this Paragraph 5 shall not provide or deliver such beverages to any person under twenty-one (21) years of age and may not provide or deliver such beverages to a person who is visibly intoxicated. Any such employee providing or delivering alcoholic beverages or beer must visually inspect a valid government-issued document deemed acceptable to the restaurant that includes the photograph and birth date of the adult consumer attempting to make an alcoholic beverage purchase and confirms that the person is at least twenty-one (21) years of age;

- f. A person delivering alcoholic beverages or beer under this Paragraph 5 must be at least twenty-one (21) years of age and must have a valid driver license; and
 - g. An alcoholic beverage or beer sold under this Paragraph 5 must be sold during current operating hours.
6. Any state or local law, order, rule, or regulation inconsistent with this Order is hereby suspended.
7. This Order shall be effective and enforceable at 12:01 a.m., Central Daylight Time, on March 23, 2020, and shall remain in effect until 12:01 a.m., Central Daylight Time, on April 6, 2020, at which time the suspension of any state laws and rules and the other provisions of this Order shall cease and be of no further force or effect.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 22nd day of March, 2020.


GOVERNOR

ATTEST:


SECRETARY OF STATE





STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

No. 21

**AN ORDER AMENDING EXECUTIVE ORDER NO. 17 TO FURTHER
MITIGATE THE SPREAD OF COVID-19 BY LIMITING NON-ESSENTIAL SERVICES
AND GATHERINGS**

WHEREAS, on March 22, 2020, I issued Executive Order No. 17, which prohibited social gatherings of 10 or more people, directed restaurants, bars, and similar food and drink establishments to offer take-out or delivery options only, directed gyms and fitness/exercise centers to temporarily close and suspend in-person services, and restricted visitation in nursing homes, retirement homes, and long-term care or assisted-living facilities; and

WHEREAS, taking further measures to limit the opportunities for community spread is necessary to contain COVID-19; and

WHEREAS, expanding Executive Order No. 17 to cover similar services and venues is necessary to minimize the continued spread of COVID-19; and

WHEREAS, in addition to the other emergency management powers granted by law, Tennessee Code Annotated, Section 58-2-107(e), provides that during a state of emergency, the Governor is authorized to suspend laws and rules regarding the conduct of state business if necessary to cope with the emergency, order evacuations from certain areas, make orders concerning entry and exit and the occupancy of premises within an emergency area, and take measures concerning the conduct of civilians and the calling of public meetings and gatherings, among other things; and

WHEREAS, the temporary suspension of selected state laws and rules and the other measures contained herein are necessary to facilitate the response to the current emergency.

NOW THEREFORE, I, Bill Lee, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and other applicable law, do hereby declare that a state of emergency continues to exist in Tennessee and order the following:

Effective immediately, Executive Order No. 17, dated March 22, 2020, is amended by adding the following new subdivisions g. and h. to Paragraph 1:

- g. Businesses or organizations that perform close-contact personal services shall not be open to members or the public. Such businesses or organizations include, but are not limited to:
 - i. Barber shops;
 - ii. Hair salons;
 - iii. Waxing salons;
 - iv. Threading salons;
 - v. Nail salons or spas;
 - vi. Spas providing body treatments;
 - vii. Body-art facilities or tattoo services;
 - viii. Tanning salons; or
 - ix. Massage-therapy establishments or massage services.

- h. Entertainment and recreational gathering venues shall not be open to members or the public. Such venues include, but are not limited to:
 - i. Night clubs;
 - ii. Bowling alleys;
 - iii. Arcades;
 - iv. Concert venues;
 - v. Theaters, auditoriums, performing arts centers, or similar facilities;
 - vi. Racetracks;
 - vii. Indoor children's play areas;
 - viii. Adult entertainment venues;
 - ix. Amusement parks; or
 - x. Roller or iceskating rinks.

Effective immediately, Paragraph No. 7 of Executive Order No. 17, dated March 22, 2020, is hereby deleted and the following language is substituted instead:

- 7. This Order shall be effective and enforceable at 12:01 a.m., Central Daylight Time, on March 23, 2020, and shall remain in effect until 11:59 p.m., Central Daylight Time, on April 14, 2020, at which time the suspension of any state laws and rules and the other provisions of this Order shall cease and be of no further force or effect.

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IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 30th day of March, 2020.



GOVERNOR

ATTEST:



SECRETARY OF STATE

