

**IN THE CIRCUIT COURT
BOONE COUNTY, KENTUCKY
CASE NO: 20-CI-678**

Florence Speedway, Inc.
12234 U.S. 42
Walton, KY 41094

Theodore J. Roberts
2271 Teal Briar Lane, Apt. 208
Burlington, KY 41005

Ridgeway Properties, LLC d/b/a
Beans Café & Bakery
21 Taft Highway
Dry Ridge, KY 41035

Little Links to Learning, LLC
1945 Highland Pike
Ft. Wright, KY 41017

Plaintiffs

*On behalf of themselves, and others similarly situated
(class certification sought under C.R. 23)*

v.

Northern Kentucky Independent Health District
8001 Veterans Memorial Dr
Florence, KY 41042

Dr. Lynne Saddler, M.D.
District Director of Health
Northern Kentucky Independent Health District
8001 Veterans Memorial Dr
Florence, KY 41042
In her official capacity only

Hon. Andrew Beshear
Governor, Commonwealth of Kentucky
700 Capitol Ave, Suite 100
Frankfort, KY 40601
In his official capacity only

Kentucky Cabinet for Health and Family Services
275 E. Main Street

Frankfort, KY 40621

Eric Friedlander
Secretary, KY Cabinet for Health and Family Services
275 E. Main Street
Frankfort, KY 40621
In his official capacity only

Steven Stack, M.D.
Commissioner for Public Health
275 E. Main Street
Frankfort, KY 40621
In his official capacity only

Defendants

Also Serve:

Hon. Daniel Cameron
Kentucky Attorney General
700 Capitol Ave., STE 118
Frankfort, KY 40601-3448¹

**PLAINTIFFS AMENDED VERIFIED CLASS ACTION COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

Parties

1. Plaintiff Florence Speedway, Inc., operates an automobile racing facility at 12234 U.S. 42, Walton, KY 41094 and is located in Boone County, Kentucky; the facility includes both a gift shop and snack bar.
2. Plaintiff Theodore J. Roberts resides at 2271 Teal Briar Lane, Apt. 208 in Burlington, KY 41005. He is suing to challenge the Defendants' requirements, without exception, regarding mask usage for barbershops. Mr. Roberts has diagnosed asthma and mask usage presents a particular threat to his health. His barber, John Bernard, operates a barbershop at 9900 Old Union Road, STE A, in Union, KY 41091, doing business as

¹ The Kentucky Attorney General is served pursuant to K.R.S. 418.075, but is not made a party.

Lefty's Barbershop and is located in Boone County, Kentucky. Mr. Bernard has confirmed under oath that, but for the fact of Defendants' mandated mask usage, he would serve Mr. Roberts, without requiring Mr. Roberts to wear a mask, as a result of Mr. Roberts' asthma diagnosis and the fact that mask usage presents a health risk for Mr. Roberts.

3. Plaintiff Ridgeway Properties, LLC d/b/a Beans Café & Bakery ("Beans Café") operates a restaurant, café and bakery, at 21 Taft Highway, Dry Ridge, KY 41035 and is located in Grant County, Kentucky.
4. Plaintiff Little Links to Learning, LLC, operates a daycare center at 1945 Highland Pike, Ft. Wright, KY 41017, and is located in Kenton County, Kentucky.
5. Defendant, Northern Kentucky Independent Health District, is a duly authorized local health district which, among other things, enforces public health orders in Northern Kentucky, including in Boone, Kenton, Campbell, and Grant counties, pursuant to KRS Chapter 212, including those specific statutory provisions challenged in this case.
6. Defendant Lynne Saddler, M.D. is the District Director of Health of the Northern Kentucky Independent Health District. Dr. Saddler is charged with enforcing and does enforce the public health orders in Northern Kentucky, including in Boone, Kenton, Campbell, and Grant counties, pursuant to KRS Chapter 212, including those specific statutory provisions challenged in this case.
7. Defendant Hon. Andrew Beshear is the duly elected Governor of Kentucky. He is only sued in his official capacity. He issued, or authorized the issuance of, the Challenged Orders in this case, and he is responsible for their enforcement.

8. Defendant, Kentucky Cabinet for Health and Family Services, is the Cabinet empowered under K.R.S. 194A.010 for “operating the public health ... programs in the Commonwealth.” It is through the authority delegated to the Cabinet that the Challenged Orders are enforced and/or promulgated in this case.
9. Defendant Eric Friedlander is the acting Secretary of the Cabinet for Health and Family Services, and is only sued in his official capacity. He issued, or authorized the issuance of the Challenged Orders in this case, and he is responsible for their enforcement.
10. Defendant Dr. Steven Stack, M.D. is the commissioner for the Kentucky Department of Public Health, and is only sued in his official capacity. He issued, or authorized the issuance of the Challenged Orders in this case, and he is responsible for their enforcement.

Venue

11. Venue is proper in this Court under K.R.S. 452.405, because the primary harm has occurred in Boone County, and under K.R.S. 452.400 and K.R.S. 452.460, because a Defendant resides in this County and one of the primary enforcers of the challenged orders, the Northern Kentucky Independent Health District, is located in this County.

Kentucky’s COVID-19 Response Actions

12. On March 6, 2020, Governor Andrew Beshear issued a state of emergency Executive Order 2020-215. Among other things, this Order declared an emergency for COVID-19 in and for Kentucky. See **Exhibit 1**, hereto.
13. Throughout March, 2020, the Governor and/or his designees, specifically Cabinet for Health and Family Services Secretary Eric Friedlander and Dr. Steven Stack, M.D.,

Kentucky Commissioner of Public Health, issued a number of orders to persons and businesses concerning COVID-19.

14. On March 16, 2020, in response to COVID-19, the Governor and/or his designees ordered restaurants to limit services to carry-out or pickup or delivery only. **See Exhibit 2**, hereto.
15. On March 17, 2020, in response to COVID-19, the Governor and/or his designees shut down certain businesses that involved public congregation, while making a value judgment that other businesses should be left open by deeming those businesses “essential”. **See Exhibit 3**, hereto. These “essential” businesses that were permitted to remain open included businesses involved in industrial manufacturing, construction, certain retail and consumer goods, as well as gas stations and hotels.
16. On March 19, 2020, in response to COVID-19, the Governor and/or his designees prohibited some public gatherings they deemed to be unimportant, while making exceptions for others they deemed important. **See Exhibit 4**, hereto.
17. On March 22, 2020, the Governor and/or his designees shut down additional retail businesses to in-person traffic they deemed “non-life sustaining,” but left other retail businesses they deemed “life sustaining” to remain open. An example of the business the Defendants deem life sustaining includes the sales of scratch-off lottery tickets and 6 packs of beer at convenience stores. **See Exhibit 5**, hereto.
18. On March 25, 2020, the Governor and/or his designees shut down additional businesses for in-person work, while leaving others open. **See Exhibit 6**, hereto.
19. On April 8, 2020, the Governor and/or his designees placed further restrictions on certain retail/grocery establishments that limited shopping to one adult per household (with

exceptions such as for dependent children). There were no limits set on the non-essential or non-life sustaining items the one adult could purchase from the essential or life sustaining businesses. **See Exhibit 7**, hereto.

20. On May 11, 2020, the Governor and/or his designees established “Minimum Requirements” for certain businesses being allowed to re-open. **See Exhibit 8**, hereto.
21. On 20, 2020, the Governor and/or his designees established certain requirements for certain retail stores, and for certain allowed gatherings of people of up to 10 people. **See Exhibit 9**, hereto.
22. On May 22, 2020, the Governor and/or his designees established requirements for restaurants. **See Exhibit 10**, hereto.
23. Also, on May 22, 2020, the Governor and/or his designees established requirements for certain businesses, including barber shops. **See Exhibit 11**, hereto.
24. On June 3, 2020, the Governor and/or his designees established requirements for automobile racing and auctions, among other things. **See Exhibit 12**, hereto.
25. On June 8, 2020, the Governor and/or his designees established requirements for recreation venues such as museums and other public attractions, among other things. **See Exhibit 13**, hereto.
26. And on June 15, 2020, the Governor and/or his designees established requirements for other recreation venues such as museums and other public attractions, among other things. **See Exhibit 14**, hereto.
27. The terms “life sustaining,” “non-life sustaining,” “essential,” and “non-essential,” as well as the Defendants’ deciding some activity is important while other activity is unimportant, are all value judgments made by politicians and are not based on science.

Further, the orders at issue contain mandatory language, including the terms “must” and “shall.” This means the shutdown of businesses in the Commonwealth has been arbitrary, capricious and inherently unfair, resulting in the disparate treatment of similar activities and/or similarly situated activities that are common throughout the community.

28. Collectively, these requirements, in Exhibits 1 through 14, are designated as the “Challenged Orders.” None of these orders went through the K.R.S. Chapter 13A procedures for rulemaking, even though Chapter 13A provides for emergency procedures; K.R.S. Chapter 13A provides important procedural due process protections for the public. *Id.*
29. The Plaintiffs are willing to establish and abide by reasonable procedures to help stop the spread of COVID-19, but cannot comply with the requirements of the Challenged Orders; in the alternative, the Challenged Orders cause substantial hardship to Plaintiffs who have been adversely affected thereby.

The Challenged Orders are contradictory, ludicrous, arbitrary, and discriminatory

30. The Challenged Orders are contradictory, ludicrous, arbitrary, and discriminatory, as explained herein.

Florence Speedway, Inc.

31. Currently, Florence Speedway, Inc. must adhere to the requirements for automobile racing contained in **Exhibit 12**. Those requirements include the following mandatory provisions:
- a. Racetracks must permit only authorized employees and essential drivers and crews on the premises. This includes, but is not limited to, racetrack employees, race teams (e.g., drivers, pit crews, and other support staff), emergency medical

personnel, and necessary suppliers and vendors (For instance, these necessary suppliers and vendors include the vendor who restocks the coke machine).

- b. Racetracks must prohibit fans and outside media.
 - c. Racetracks must ensure that employees, drivers or their crews not bring any guests, including any family members.
 - d. Racetracks must ensure racetrack kitchens or other food facilities on premises follow social distancing while in the kitchen, to the greatest extent practicable, and provide food only via carry-out or curbside pick-up.
 - e. Racetracks must ensure employees, racing crews and others (e.g. emergency medical crews and suppliers) use appropriate face coverings and other personal protective equipment (PPE). No sharing of PPE is permissible. Racetracks must ensure employees and racing crews wear appropriate face coverings at all times “practicable”. For employees who are isolated in closed offices or assigned areas with more than six (6) feet of social distancing, face coverings are not necessary at all times. However, when an employee comes within six feet of other people, a face covering must be worn. If not required by OSHA for a job task, N95/ KN95 masks shall not be provided to non-healthcare sector workers as face coverings. Cloth masks shall be used instead.
32. The requirement that only “essential” people are allowed at the facility, such as the vending machine supplier, but not fans, media, or any others, is discriminatory and arbitrary (see ¶¶ 30(a),(b) and(c)).

33. The science behind the transmission of the coronavirus is that, generally speaking, outdoor gatherings are safer than indoor gatherings, particularly if people are social distancing and/or wearing masks.
34. Dr. Stack has testified under oath to the truth of the factual allegations set forth in Paragraph 32 in his deposition in the matter of *Ramsek v. Beshear*, EDKY 3:20-CV-00036.
35. In contrast to the mandatory requirements faced by Florence Speedway, Inc., other currently allowed outdoor gatherings including, without limitation, outdoor auctions, where participants are yelling and shouting bids, face no limits on the size of crowds and face no limits other than to voluntarily enforce six-foot social distancing. (**Exhibit 12**). Moreover, patrons and fans are permitted in other indoor settings that are riskier from the spread of coronavirus perspective, such as bowling alleys (at 33%, **Exhibit 12**) and movie theaters (at 33% at **Exhibit 12**).
36. Plaintiff, Florence Speedway, Inc., has grandstands for spectators which are outdoors, and it is fully capable of (and willing to) limit capacity to 33% of the seating space, and also to enforce in that seating space 6-foot social distancing between persons not from the same household.
37. The requirement limiting Florence Speedway, Inc.'s food service to carry-out only is likewise discriminatory and arbitrary. This is because restaurants generally are permitted to operate at 33% capacity with six-foot social distancing indoors, but unlimited numbers outdoors (**Exhibit 10**). There is no justification to treat food patrons at Florence Speedway, Inc. differently than outdoor restaurants.

38. Finally, as to the no exceptions allowed PPE requirement for racing, masks are required even if doing so would cause the particular person health or safety issues (**Exhibit 12**). This is disparate and arbitrary treatment when compared to a number of businesses that have been permitted to re-open with health and safety exceptions, such as "Retail employees are not required to wear face masks while alone in personal offices or if doing so would pose a serious threat to their health or safety" (**Exhibit 9** at p.16); "Restaurant employees are not required to wear face masks while alone in personal offices, while more than six (6) feet from any other individual, or if doing so would pose a serious threat to their health or safety." (**Exhibit 10** at p. 5); "Auctions must ensure that all staff wear facemasks or other face coverings whenever they are within six (6) feet of another person unless doing so would represent a serious risk to the staff member's health or safety." (**Exhibit 12** at p.5).
39. Not surprisingly, this arbitrary and capricious requirement prevents Florence Speedway, Inc. from complying with the Americans With Disabilities Act, and several racing teams that race at the facility have members with disabilities covered under the Act who are negatively impacted by the lack of this exception, which makes enforcement of this requirement on its face, as to those requirements, exceptionally problematic. *See, also*, 47 U.S.C. 12182.

Barbershops and Mr. Roberts

40. Barbershops, including Lefty's Barbershop, are subject to the requirements for barber shops contained in **Exhibit 11**. Those requirements include the following:
- a. Barbers/cosmetologists/hair salons "must" ensure clients and other visitors (e.g., suppliers and vendors) wear face masks while on the premises.

Barbers/cosmetologists/hair salons must make masks available for clients; however, clients may bring and use their own face masks. If clients, suppliers or vendors refuse to wear masks the barbershop/salon may refuse those individuals entrance to the facility.

- b. Barbers/cosmetologists/hair salons must establish a policy as to whether to serve clients who do not adhere to the business's policy on requiring masks.

41. The customer face masking requirement is contradictory, discriminatory, dangerous, and potentially illegal. There is a flat requirement for customers to wear masks:

“Barbers/cosmetologists/hair salons **must** ensure clients and other visitors (e.g., suppliers and vendors) wear face masks while on the premises...” (**Exhibit 11**). While other businesses and activities have an exception for mask wearing if it is “dangerous” *for employees* (see ¶38), no other businesses have requirements for *customers* to wear masks, even those that involve equally or more high-risk activities (instead, there are mere recommendations). For instance, under the Defendants’ current orders “Tattoo parlors **should** ensure clients and other visitors (e.g., suppliers and vendors) wear face masks while in the tattoo parlor.” “Tanning salon businesses **should** ensure clients and other visitors (e.g., suppliers and vendors) wear face masks while in the tanning salon.” “Nail salon businesses **should** ensure clients and other visitors (e.g., suppliers and vendors) wear face masks while in the nail salon.”

42. Mr. Bernard has confirmed under oath that but for the fact Defendants have mandated, without exceptions, mask usage for patrons, he would serve Mr. Roberts without requiring him to wear a mask as a result of Mr. Roberts’ asthma diagnosis and the fact that mask usage presents a health risk for Mr. Roberts.

43. This requirement also presents issues for Lefty's Barbershop under the Americans With Disabilities Act, particularly as to claims by Mr. Roberts. If Mr. Bernard does not accommodate customers with disabilities who are unable to wear masks, he could face liability under the ADA. *See, also*, 47 U.S.C. 12182.

Bean's Cafe

44. Bean's Cafe is subject to the requirements for restaurants, contained in **Exhibit 10**.

Those requirements include the following:

- a. Restaurants must ensure appropriate face coverings and other personal protective equipment (PPE) are used by employees whenever they are near other employees or customers, so long as such use does not jeopardize the employees' health or safety.
 - b. Restaurants must limit the number of customers present in any given restaurant to 33% of the maximum permitted occupancy of seating capacity, assuming all individuals in the restaurant are able to maintain six (6) feet of space between each other with that level of occupancy. This means no person can be within six (6) feet of a person seated at another table or booth.
45. There are no requirements for employees to wear masks who are cooking in the hot kitchen. Nevertheless, the use of facemasks is required for frontline employees, even though: (i) customers need not wear facemasks; (ii) cloth facemasks do not protect the wearer; (iii) there is little to no scientific basis for requirements for others to wear facemasks, including guidance from the World Health Organization.²

² <https://apps.who.int/iris/rest/bitstreams/1279750/retrieve> (last visited 6/22/2020)

46. The 33% capacity requirements, and six-foot distancing requirements for customers at tables, are arbitrary and capricious, and make it difficult, if not impossible, for the business to turn a profit.
47. Bean's Cafe is willing to adhere to appropriate safety requirements to help spread the stop of COVID, including, without limitation, enforcing spacing requirements between persons and ensuring six-foot distancing for any scenario in which someone is facing someone else. This would result in customers facing away from each other being closer than six feet. Bean's Cafe is also willing to use partitioning to help separate customers and encourage distancing, and to utilize reduced capacity of 50% of building occupancy indoors. Bean's Cafe has no problems with conducting daily temperature checks for employees and continues to implement this requirement.

Little Links to Learning

48. In addition to a host of normal requirements to which daycare centers are subject, Little Links to Learning, LLC's daycare is now subject to the requirements for daycare centers contained in **Exhibit 14**. Those requirements include the following:
- a. All childcare programs will need to utilize a maximum group size of ten children per group. ...
 - b. Children will remain in the same group of ten children all day without being combined with another classroom.
 - c. Adults must wear a face mask while inside a childcare program (in-home or center-based) unless doing so would represent a serious risk to their health or safety or they are more than 6 feet away from any other individual.

49. The ten children per group requirement constitutes a significant limitation on the operation of daycare centers, and, as a result, daycare providers are forced to operate their businesses at a loss.
50. Even worse, the requirements encourage walls to be built in existing classrooms, even though the same risk is largely present since these do not reach the door.
51. Nevertheless, Little Links to Learning, LLC is willing to limit groups to 20 or less, to implement daily temperature checks, implement the required sanitation and hygiene procedures, and enforce regular handwashing.
52. The requirement that all children remain in the same group all day is a significant issue for end-of-day operations. The usual and customary practice was to combine children from the same household together. The fact that these same children can and will be in the same car together, and live in the same household together, makes the application of the “same group” requirement, as to children in the same household, arbitrary and absurd.
53. The mask requirement presents a significant issue for childcare settings. Children cue off of adults for key learning functions, including speaking, non-verbal communication, and other matters. Mask wearing in childcare settings for adults caring for children in the two years to seven years range (which is not a requirement for the children themselves) presents severe issues: (i) calming children who are upset; and (ii) assisting children in the learning process, since non-verbal communication is typically used to assist in the learning process.

54. This is true, even though prevailing evidence is that (i) cloth facemasks do not protect the wearer; and (ii) there is little to no basis for requirements for others to wear facemasks, including guidance from the World Health Organization.³

Concerns with retaliation from the Defendants

55. Each of the Plaintiffs, with the exception of Mr. Roberts, operates in industries that are regulated by the Defendants.

56. Defendants, particularly the state Defendants, have had a history of targeting people who engage in constitutionally protected speech, either through notices that they have placed on cars for church goers, public condemnation by the Governor for those who engage in constitutionally protected protests, and other activities.

57. The right to file a lawsuit is constitutionally protected under Sections 1, 8, and 14 of the Kentucky Constitution.

58. Plaintiffs reasonably fear retaliation by Defendants as a result of their filing of this matter and/or by Defendants' agents and employees.

Class Action Allegations

59. Plaintiffs reincorporate the preceding Paragraphs as if fully written herein.

60. The actions and violations herein complained of affect millions of Kentuckians.

61. Kentuckians are suffering an unemployment rate exceeding 40% in part due to the Challenged Orders.

62. Pursuant to C.R. 23.01: (a) the class is so numerous that joinder of all members is impracticable, (b) there are questions of law or fact common to the class, (c) the claims or defenses of the representative parties are typical of the claims or defenses of the class,

³ <https://apps.who.int/iris/rest/bitstreams/1279750/retrieve> (last visited 6/22/2020)

and (d) the representative parties will fairly and adequately protect the interests of the class.

63. Pursuant to C.R. 23.02: (a) The prosecution of separate actions by or against individual members of the class would create a risk of (i) inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class, or, (ii) adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests; or (b) the party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

64. Plaintiffs seek a Plaintiff class certification of any and all businesses within the Commonwealth who are impacted by these or any other Challenged Order, with subclass certification of each Plaintiff or group of Plaintiffs within an industry affected by a particular Challenged Order, who have been adversely impacted by such Challenged Order.

Claims – Count I – Declaratory and Injunctive Relief – KRS Chapter 418

65. Plaintiff reincorporates the foregoing paragraphs as if full written herein.

66. Injunctive relief is authorized pursuant to K.R.S. 418.055, and C.R. 65, and Plaintiff seeks injunctive relief as prayed for herein.

A. The Challenged Orders violate Section 1, of the Kentucky Constitution

67. The Challenged Orders, including the use of K.R.S. 194A.025, 39A.100, 214.020, to issue these orders, violates Section 1 of the Kentucky Constitution, which provides, for rights of life, liberty, pursuit of safety and happiness, and acquiring and protecting property.
68. K.R.S. 194A.025, 39A.100, 214.020, as they have been used to issue the Challenged Orders, are unconstitutional as applied under Section 1 of the Kentucky Constitution, as more fully explained in *Louisville of Kuhn*, 284 Ky. 684, 688 (1940); *Darlington v. Board of Councilmen*, 282 Ky. 778 (1940); *Underhill v. Murphy*, 117 Ky. 640, 645 (1904); *Hill v. United Public Workers Union*, 314 Ky. 791, 799 (1950); *Lawton v. Stewart Dry Goods Co.*, 197 Ky. 394, 397 (1923); and *Ware v. Ammon*, 212 Ky. 152 (1925).

B. The Challenged Orders violate Section 2, of the Kentucky Constitution

69. Section 2 of the Kentucky Constitution provides: “Absolute and arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority.”
70. The Challenged Orders are arbitrary and capricious, making distinctions about whether a particular activity or business is essential or not, whether and how it must operate without imposing the same requirements upon similar activities. These Challenged Orders impair the right to earn living. They thus violate Section 2 of the Kentucky Constitution. *Bond Bros. v. Louisville & Jefferson County Metropolitan Sewer Dist.*, 307 Ky. 689, 211 S.W.2d 867, 1948 Ky. LEXIS 805 (Ky. 1948); *Sanitation Dist. of Jefferson County v. Louisville*, 308 Ky. 368, 213 S.W.2d 995, 1948 Ky. LEXIS 879 (Ky. 1948); *Louisville Shopping Center, Inc. v. St. Matthews*, 635 S.W.2d 307, 1982 Ky. LEXIS 266 (Ky.

1982); *Owensboro v. McCormick*, 581 S.W.2d 3, 1979 Ky. LEXIS 252 (Ky. 1979); *Foster v. Goodpaster*, 290 Ky. 410, 161 S.W.2d 626, 1942 Ky. LEXIS 418 (Ky. 1942); *Beacon Liquors v. Martin*, 279 Ky. 468, 131 S.W.2d 446, 1939 Ky. LEXIS 304 (Ky. 1939); *Louisville v. Sebree*, 308 Ky. 420, 214 S.W.2d 248, 1948 Ky. LEXIS 907 (Ky. 1948); *Ashland v. Heck's, Inc.*, 407 S.W.2d 421, 1966 Ky. LEXIS 164 (Ky. 1966); *Jackson v. Murray-Reed-Slone & Co.*, 297 Ky. 1, 178 S.W.2d 847, 1944 Ky. LEXIS 652 (Ky. 1944); *Great Atlantic & Pacific Tea Co. v. Kentucky Tax Com.*, 278 Ky. 367, 128 S.W.2d 581, 1939 Ky. LEXIS 406 (Ky. 1939); *Lexington v. Motel Developers, Inc.*, 465 S.W.2d 253, 1971 Ky. LEXIS 443 (Ky. 1971); *Jahr v. Radcliff*, 503 S.W.2d 743, 1973 Ky. LEXIS 48 (Ky. 1973).

C. The Challenged Orders violate Section 15, of the Kentucky Constitution

71. Section 15 of the Kentucky Constitution provides: “No power to suspend laws shall be exercised unless by the General Assembly or its authority.”
72. The Orders at issue constitute a suspension of Kentucky statutes governing the regulated industry, specifically K.R.S. 317.410, *et. seq.*.
73. No provision cited by the Governor, including, without limitation, K.R.S. Chapter 39A, authorizes the suspension of these statutes.
74. The Challenged Orders are thus violative of Section 15 of the Kentucky Constitution.
Baker v. Fletcher, 204 S.W.3d 589, 2006 Ky. LEXIS 153 (Ky. 2006); *Gering v. Brown Hotel Corp.*, 396 S.W.2d 332, 1965 Ky. LEXIS 113 (Ky. 1965).

D. The Challenged Orders violate Sections 27 and 28, of the Kentucky Constitution

75. Section 27 of the Kentucky Constitution provides: “The powers of the government of the Commonwealth of Kentucky shall be divided into three distinct departments, and each of them be confined to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.
76. Section 28 of the Kentucky Constitution provides: “No person or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.”
77. The Governor, and his designees, have and continue to engage in unconstitutional lawmaking; the Governor has inappropriately delegated his authority to his subordinates; and collectively the Challenged Orders violate Sections 27 and Section 28 of the Kentucky Constitution.
78. To the extent K.R.S. 39A.100 or K.R.S. Chapter 214 is used to criminalize or otherwise penalize activities not explicitly set forth in those sections is an impermissible delegation of pure legislative powers and is unconstitutional. *Diemer v. Commonwealth, Transp. Cabinet, Dep't of Highways*, 786 S.W.2d 861, 1990 Ky. LEXIS 8 (Ky. 1990); *Legislative Research Com. by Prather v. Brown*, 664 S.W.2d 907, 1984 Ky. LEXIS 300 (Ky. 1984) (strict construction of separation of powers); *Flying J Travel Plaza v. Transportation Cabinet, Dep't of Highways*, 928 S.W.2d 344, 1996 Ky. LEXIS 41 (Ky. 1996).
79. That is particularly the case in the absence of clear controlling principles to cabin the discretion of officials, which are not contained in any of the provisions utilized by the Governor and enforced by the Defendants. *Bd. of Trs. of the Judicial Form Ret. Sys. v. AG*, 132 S.W.3d 770, 2003 Ky. LEXIS 238 (Ky. 2003); *Kentucky Asso. of Chiropractors, Inc. v. Jefferson County Medical Soc.*, 549 S.W.2d 817, 1977 Ky. LEXIS 414 (Ky. 1977).

E. The Challenged Orders violate KRS Chapter 13A

80. Under Kentucky law, K.R.S. Chapter 13A, and its various provisions, require that administrative regulations be promulgated by the executive branch if it involves a “statement of general applicability promulgated by an administrative body that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any administrative body.”
81. The Challenged Orders are just such a pronouncement and promulgation.
82. K.R.S. Chapter 13A, specifically K.R.S. 13A.190, governs emergency administrative regulations.
83. K.R.S. Chapter 13A also provides important due process rights concerning the issuance of regulations.
84. K.R.S. 214.020 does give the Cabinet certain powers to establish quarantines and issue orders, but these must be done as the “adopt[ion] and enforce[ment]” of “such rules and regulations” as to “quarantine and isolation.” Again, no regulations have been issued. And the Challenged Orders extend well past quarantine and isolation measures and are thus invalid.
85. The Challenged Orders have not been issued in accordance with K.R.S. Chapter 13A, and thus are invalid.

F. K.R.S. 194A.025 provides no basis to issue the Challenged Orders

86. K.R.S. 194A.025 provides, in relevant part, that “The secretary for health and family services and the secretary’s designated representatives in the discharge of the duties of the secretary may administer oaths and affirmations, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of books,

papers, correspondence, memoranda, and other records considered necessary and relevant as evidence at hearings held in connection with the administration of the cabinet.”

87. This provision gives the Secretary no authority to issue the Challenged Orders.

G. K.R.S. 39A.100 provides no basis to issue the Challenged Orders

88. K.R.S. 39A.100 provides for certain powers to the Governor in the event of a state of emergency.

89. There is no indication that the General Assembly intended, through the language of K.R.S. 39A, or otherwise, for any emergency powers to exist for a statewide disease outbreak, particularly where K.R.S. 214.020 exists covering the particular subject matter.

90. There is no indication that the General Assembly intended an emergency to be the Governor making such a declaration statewide, for months on end, in an open-ended fashion.

91. K.R.S. 39A.100(c) does permit the Governor to seize property, but in so doing, he is required to make just compensation under K.R.S. 39A.100(e), which he has not done.

92. In the event that this Court finds that Governor has utilized his powers that he actually has under K.R.S. 39A.100(c), and that K.R.S. 39A.100 is constitutional, Plaintiff seeks a declaration and injunction against the Governor to comply with K.R.S. 39A.100(e) to make just compensation.

93. Nor does K.R.S. 39A.100(j) give the Governor the ability to suspend existing laws, or to legislate by fiat, since it has an express provision that indicates the Governor may take no actions that are prohibited by other law.

94. K.R.S. 39A.100 gives the Governor no authority to issue the Challenged Orders. Further, K.R.S. 39A.100 is limited to the Governor, and does not permit the delegation of any of his powers.

H. An anti-retaliation injunction should issue

95. The right to file a lawsuit is constitutionally protected under Sections 1, 8, and 14 of the Kentucky Constitution.

96. Plaintiffs seek an injunction against any retaliation from Defendants or their agents for the filing of this matter.

I. Injunctive Relief should be granted

97. Plaintiffs have been, and continue to be, irreparably harmed.

98. The business Plaintiffs are and continue to be irreparably harmed in that they cannot do business and comply with the requirements, without operating at a loss.

99. They continue to operate with reasonable safety precautions, and neither the public, nor third parties, will be harmed by the issuance of an injunction, since similar activities are permitted to other similarly situated businesses.

WHEREFORE, Plaintiffs demand:

- Declaratory relief, that the Challenged Orders are unconstitutional, facially or as applied under Sections 1, 2, 15, 27 and/or 28 of the Kentucky Constitution; that K.R.S. 39A.100 is illegal and unconstitutional and of no force and effect; and enjoining Defendants from enforcing the Cha;
- Declaratory relief, that the Challenged Orders are illegal, for failure to comply with the rulemaking requirements of K.R.S. Chapter 13A;

- Declaratory relief that Defendants have no basis under the Kentucky Revised Statutes to issue the Challenged Orders;
- In the event that the Court does find K.R.S. 39A.100 constitutional and the Challenged Orders validly enacted, declaratory relief that the Governor must make an offer of just compensation under K.R.S. 39A.100(e) concerning just compensation; and
- Appropriate injunctive relief, including, without limitation, that the Challenged Orders may not be enforced; and
- Such other relief as this Court may find just and proper.

Respectfully submitted,

/s/Christopher Wiest
Christopher Wiest (KBA 90725)
25 Town Center Blvd, STE 104
Crestview Hills, KY 41017
513-257-1895 (v)
chris@cwiestlaw.com
Trial Attorney for Plaintiff

/s/Thomas Bruns
Thomas Bruns (KBA 84985)
4750 Ashwood Drive, STE 200
Cincinnati, OH 45241
tbruns@bcvalaw.com
Co-Counsel for the Plaintiff

/s/Robert A. Winter, Jr.
Robert A. Winter, Jr. (KBA #78230)
P.O. Box 175883
Fort Mitchell, KY 41017-5883
(859) 250-3337
robertawinterjr@gmail.com

VERIFICATION

COMMONWEALTH OF KENTUCKY
COUNTY OF Kenton

]ss

Florence Speedway, Inc., by and through its designated agent and officer, and states that he has read the foregoing Amended Verified Class Action Complaint for Declaratory and Injunctive Relief, and that the facts set forth therein are true to the best of his knowledge, information and belief and based on personal knowledge.


Josh King

SUBSCRIBED AND SWORN to before me, a Notary Public, by Josh King, this

22 day of June, 2020.


NOTARY PUBLIC

CHRISTOPHER D. WIEST #612589
NOTARY PUBLIC
STATE AT LARGE
KENTUCKY
MY COMMISSION EXPIRES 11/19/2022

My Commission Expires:

VERIFICATION

COMMONWEALTH OF KENTUCKY
COUNTY OF Kenton

]ss

Theodore J. Roberts states that he has read the foregoing Amended Verified Class Action Complaint for Declaratory and Injunctive Relief, and that the facts set forth therein are true to the best of his knowledge, information and belief and based on personal knowledge.



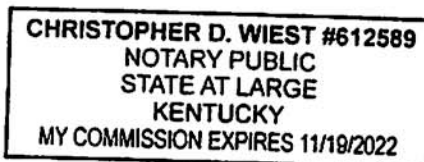
Theodore J. Roberts

SUBSCRIBED AND SWORN to before me, a Notary Public, by Theodore J. Roberts,

this 22 day of June, 2020.



NOTARY PUBLIC



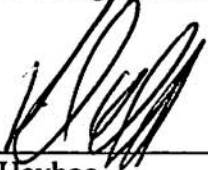
My Commission Expires:

VERIFICATION

COMMONWEALTH OF KENTUCKY
COUNTY OF Kenton

]ss

Ridgeway Properties, LLC d/b/a Beans Café and Bakery, by and through its designated agent and officer, and states that he has read the foregoing Amended Verified Class Action Complaint for Declaratory and Injunctive Relief, and that the facts set forth therein are true to the best of his knowledge, information and belief and based on personal knowledge.



Richard Hayhoe

SUBSCRIBED AND SWORN to before me, a Notary Public, by Richard Hayhoe, this

19 day of June, 2020.



NOTARY PUBLIC

CHRISTOPHER D. WIEST #612589
NOTARY PUBLIC
STATE AT LARGE
KENTUCKY
MY COMMISSION EXPIRES 11/19/2022

My Commission Expires:

VERIFICATION

COMMONWEALTH OF KENTUCKY

COUNTY OF Kenton

]ss

Little Links to Learning, LLC, by and through their designated agent and officer, and states that they have read the foregoing Amended Verified Class Action Complaint for Declaratory and Injunctive Relief, and that the facts set forth therein are true to the best of their knowledge, information and belief and based on personal knowledge.


Christine Fairfield

SUBSCRIBED AND SWORN to before me, a Notary Public, by Christine Fairfield, this

18 day of June, 2020.


NOTARY PUBLIC

CHRISTOPHER D. WIEST #612589
NOTARY PUBLIC
STATE AT LARGE
KENTUCKY
MY COMMISSION EXPIRES 11/19/2022

My Commission Expires:



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-215

March 6, 2020

STATE OF EMERGENCY

WHEREAS, On January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for the novel coronavirus (COVID-19), beginning on January 27, 2020; and

WHEREAS, there are numerous confirmed lab cases of COVID-19 throughout the United States; and

WHEREAS, COVID-19, a respiratory disease than can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person; and

WHEREAS, the CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as "high", and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and

WHEREAS, the World Health Organization currently indicates there are 98,192 confirmed cases of COVID-19 worldwide, and the CDC currently indicates that 164 of those cases are in the United States; and

WHEREAS, the planning and preparedness of all state and local agencies for a COVID-19 public health emergency in the Commonwealth is a concern to all Kentuckians; and

WHEREAS, the Kentucky Department of Emergency Management has special personnel and equipment resources to assist the state and local authorities in the protection of life, public health and safety, to promote the public welfare, to prevent undue loss and suffering, and to mitigate the effects of such an event; and

WHEREAS, the Kentucky Department of Public Health has specially trained personnel and resources to assist the state and local authorities in the protection of life, public health and safety, through coordinating a response to this emergency; and

WHEREAS, it is both appropriate and desirable to combine the resources of the ~~the~~ Kentucky Department of Emergency Management and the Kentucky Department of Public Health in joint operations with selected federal, state and local agencies to attain the maximum effective response to the circumstances described herein;

COMM. OF KENTUCKY
STATE GOVERNMENT
VIRGINIA COMMONWEALTH UNIVERSITY



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by Chapter 39A of the Kentucky Revised Statutes, declare that a State of Emergency exists in the Commonwealth of Kentucky and do hereby order and direct the issuance of appropriate state active duty orders for the necessary officers, troops, personnel, equipment, including the resources of the Kentucky National Guard and other logistical support necessary for an immediate response to the novel coronavirus (COVID-19) emergency in the Commonwealth. I further order and direct as follows:

1. The Division of Emergency Management within the Department of Military Affairs and the Kentucky Department of Public Health shall coordinate the response and relief activities of all state agencies and private relief organizations in response to the COVID-19 emergency described herein.
2. The Division of Emergency Management within the Department of Military Affairs shall execute the Kentucky Emergency Operations Plan and, from the Kentucky Emergency Operations Center, shall coordinate the relief and response activities of all state agencies and private relief organizations in response to this emergency.
3. The Adjutant General is authorized to issue active duty orders for the mobilization of such National Guard personnel and equipment as he may determine to protect life and safety, to continue essential public services, and to prevent undue loss and suffering.
4. The Division of Emergency Management is authorized to request assistance, federal, state, local, private sector, volunteer, and donated resources as may be available to minimize human suffering and to restore essential services to the general population and to assist state and local governments and individuals impacted by this emergency.
5. The Finance and Administration Cabinet is directed to provide assistance with incident resource management, procurements, and contracting and to fund the urgent operational and/or response of the Division of Emergency Management and the unbudgeted expenditures and obligations of other state agencies that are incurred in response and recovery from this emergency incident and in executing the provisions of this Executive Order.
6. The Kentucky Department of Public Health and all other state agencies shall provide sufficient personnel required for the staffing of the Kentucky Emergency Operations Center or other command, control, and coordination points as may be designated by the Division of Emergency Management's Director and shall provide such personnel, vehicles, equipment, and other resources needed to protect life and property and to ensure continuation, restoration, and recovery of essential public services.



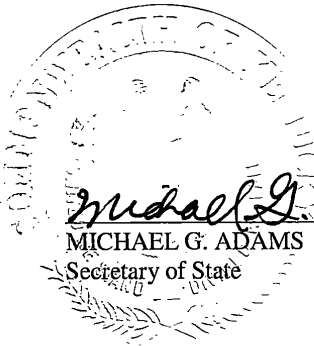
ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER


Secretary of State
Frankfort
Kentucky

7. The Kentucky Office of Homeland Security ("KOHS") shall provide information to individuals and private organizations, including volunteer and religious organizations, regarding how they can best prepare for and respond to the COVID-19 emergency described herein and whom to contact to volunteer help or services. Further, the KOHS shall specifically identify and encourage private organizations to commit to provide food, shelter, personnel, equipment, materials, consultation, and advice, or other services needed to respond to the COVID-19 emergency. Additionally, the KOHS shall coordinate its efforts with the federal Department of Homeland Security, as necessary, and administer the Kentucky Intelligence Fusion Center to facilitate information sharing about COVID-19 among public safety and public service agencies at the federal, state, and local levels, as well as the private sector.

This order is effective March 6, 2020.



Michael G. Adams
MICHAEL G. ADAMS
Secretary of State

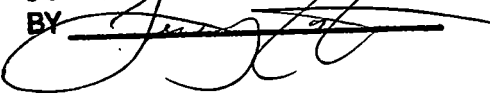


ANDY BESHEAR, Governor
Commonwealth of Kentucky

RECEIVED AND FILED

DATE 3/6/2020

**MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY**

BY 



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF LEGAL SERVICES**

**Andy Beshear
Governor**

275 East Main Street, 5W-B
Frankfort, KY 40621
502-564-7905
502-564-7573
www.chfs.ky.gov

**Eric C. Friedlander
Acting Secretary**

**Wesley W. Duke
General Counsel**

ORDER

March 16, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth due to the outbreak of COVID-19 virus, a public health emergency. Pursuant to the authority in KRS Chapter 39A, including but not limited to KRS 39A.100(1)(f), (h) and (j), KRS 194A.025, KRS 214.020, KRS 241.090, KRS 244.120, and Executive Order 2020-215, the Cabinet for Health and Family Services, Department of Public Health, and the Public Protection Cabinet, Alcoholic Beverage Control, hereby order the following directives until March 30, 2020, to reduce and slow the spread of COVID-19, to ensure that persons and groups disperse from the scene of the emergency, and to promote and secure the safety and protection of the civilian population:

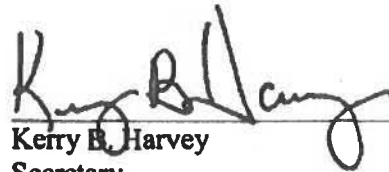
1. By 5:00 p.m. on March 16, 2020, food and beverage sales are restricted to carry-out, delivery and drive-thru only; no onsite consumption is permitted; and
2. This Order does not apply to and/or exempts food service in health care facilities or any congregate living facilities, such as long-term care facilities as defined by KRS 216.510 and similar locations; and
3. Liquor, beer and wine sales in the Commonwealth of Kentucky are restricted to carry-out, delivery and drive-thru services only, to the extent permitted by law. No onsite consumption is permitted; and
4. Establishments offering carry-out, delivery and drive-thru orders shall ensure that patrons and employees engage in appropriate social distancing (staying 6 feet away from each other); and
5. The overriding goal of this Order is to minimize in-person interaction which is the primary means of transmission of COVID-19. The immediate implementation of this Order is necessary as patrons of bars and restaurants gather in large numbers, in close proximity to each other and in enclosed spaces, thereby endangering the health of the staff as well as the patrons; and

6. The Department of Public Health hereby delegates to local health departments the authority to take all necessary measures to implement this Order.

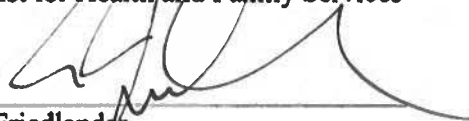
This Order shall remain in effect throughout the State of Emergency under Executive Order 2020-215. The Cabinet for Health and Family Services and the Public Protection Cabinet will monitor these directives continuously and may extend or modify this Order at any time.



Steven J. Stack, M.D.
Commissioner of Public Health
Department of Public Health
Cabinet for Health and Family Services



Kerry B. Harvey
Secretary
Public Protection Cabinet



Eric Friedlander
Acting Secretary
Governor's Designee



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF LEGAL SERVICES**

**Andy Beshear
Governor**

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**Eric C. Friedlander
Acting Secretary**

**Wesley W. Duke
General Counsel**

ORDER

March 17, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth due to the outbreak of COVID-19 virus, a public health emergency. Pursuant to the authority in KRS 194A.025, KRS 214.020, and Executive Order 2020-215, the Cabinet for Health and Family Services, Department of Public Health, hereby orders the following directives to reduce and slow the spread of COVID-19:

1. By 5:00 p.m. on March 18, 2020, all public-facing businesses that encourage public congregation or, that by the nature of the service to the public, cannot comply with CDC guidelines concerning social distancing, shall cease all in-person operations.
2. These public-facing businesses that must close include entertainment, hospitality and recreational facilities, community and recreation centers, gyms and exercise facilities, hair salons, nail salons, spas, concert venues, theaters, and sporting event facilities.
3. For the avoidance of doubt, businesses providing food, food processing, agriculture, industrial manufacturing, feed mills, construction, trash collection, retail, grocery and consumer goods, home repair/hardware and auto repair, pharmacy, and other medical facilities, biomedical and healthcare, post offices, insurance, banks, gas stations, laundromats, veterinary clinics and pet stores, warehousing, storage, and distribution, public transportation, and hotel and commercial lodging may remain open, subject to limitations provided in prior

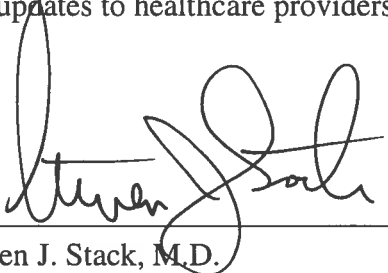
orders, but must to the extent practicable implement Centers for Disease Control guidance, including:

- maintaining a distance of 6 feet between persons;
- ensuring employees practice appropriate hygiene measures, including regular, thorough handwashing;
- ensuring that employees who are sick remain home; and
- regularly cleaning and disinfecting frequently touched objects and surfaces.

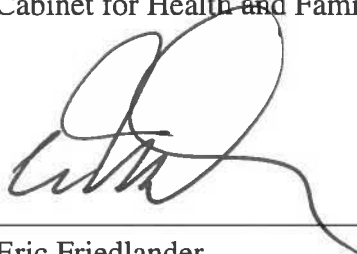
4. Public-facing businesses that remain open shall post the attached sign at all entrances.

5. The Department of Public Health hereby delegates to local health departments the authority to take all necessary measures to implement this Order.

The Cabinet for Health and Family Services will monitor these directives continuously and may extend the directives beyond their current expiration date. The Cabinet will continue to provide information and updates to healthcare providers during the duration of this Public Health Emergency.

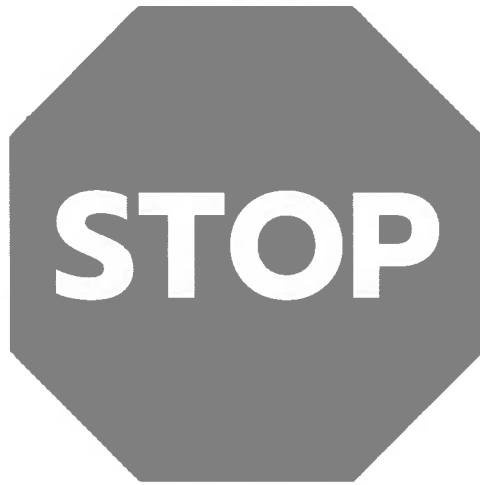


Steven J. Stack, M.D.
Commissioner of Public Health
Department of Public Health
Cabinet for Health and Family Services



Eric Friedlander
Acting Secretary
Governor's Designee

Do you feel sick?

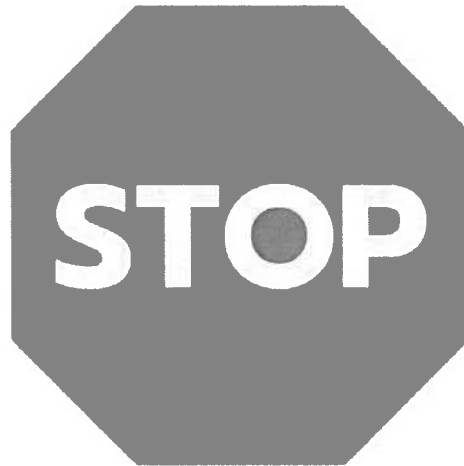


If you are sick or have been in
the last 24 hours,
please **DO NOT ENTER.**

To prevent the spread of germs:

- Wash your hands often with soap and water.
- Avoid touching your eyes, nose, and mouth.
- Cover your mouth when you cough or sneeze.
- Avoid close contact with sick people.
- Clean and disinfect frequently touched objects and surfaces.
- Stay home when you are sick.

¿Se siente enfermo?



Si está o ha estado enfermo
en las últimas 24 horas,
por favor **NO ENTRE.**

Para prevenir la propagación de gérmenes:

- Lávese las manos frecuentemente con agua y jabón.
- Evite tocarse los ojos, la nariz y la boca.
- Cúbrase la boca cuando tosa o estornude.
- Evite el contacto cercano con las personas enfermas.
- Limpie y desinfecte los objetos y las superficies que se tocan frecuentemente.
- Quédese en casa cuando esté enfermo.



TEAM 
KENTUCKY





**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF LEGAL SERVICES**

**Andy Beshear
Governor**

275 East Main Street, 5W-B
Frankfort, KY 40621
502-564-7905
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**Eric C. Friedlander
Acting Secretary**

**Wesley W. Duke
General Counsel**

ORDER

March 19, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth due to the outbreak of COVID-19 virus, a public health emergency. Pursuant to the authority in KRS 194A.025, KRS 214.020, KRS Chapter 39A, and Executive Orders 2020-215 and 2020-243, the Cabinet for Health and Family Services, Department of Public Health, hereby orders the following directives to reduce and slow the spread of COVID-19:

1. All mass gatherings are hereby prohibited.
2. Mass gatherings include any event or convening that brings together groups of individuals, including, but not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities.
3. For the avoidance of doubt, a mass gathering does not include normal operations at airports, bus and train stations, medical facilities, libraries, shopping malls and centers, or other spaces where persons may be in transit. It also does not include typical office environments, factories, or retail or grocery stores where large numbers of people are present, but maintain appropriate social distancing.
4. Any gathering, regardless of whether it is a mass gathering prohibited under this Order, shall to the extent practicable implement Centers for Disease Control guidance, including:
 - maintaining a distance of 6 feet between persons;

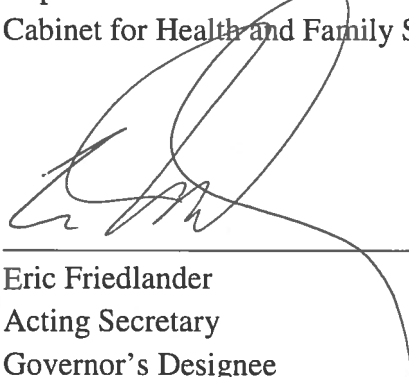
- encouraging good hygiene measures, including regular, thorough handwashing, and providing adequate hygiene materials, including hand sanitizing options;
- encouraging people who are sick to remain home or leave the premises; and
- regularly cleaning and disinfecting frequently touched objects and surfaces.

5. The Department of Public Health hereby delegates to local health departments the authority to take all necessary measures to implement this Order.

The Cabinet for Health and Family Services will monitor these directives continuously and may extend the directives beyond their current expiration date. The Cabinet will continue to provide information and updates to healthcare providers during the duration of this Public Health Emergency.



Steven J. Stack, M.D.
Commissioner of Public Health
Department of Public Health
Cabinet for Health and Family Services



Eric Friedlander
Acting Secretary
Governor's Designee



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-246
March 22, 2020

STATE OF EMERGENCY

WHEREAS, the novel coronavirus (COVID-19) is a respiratory disease causing illness that can range from very mild to severe, including illness resulting in death, and many cases of COVID-19 have been confirmed in the Commonwealth, with cases appearing in multiple counties, indicating the virus is community spread; and

WHEREAS, Kentuckians are encouraged to remain Healthy at Home, which will help protect our community from the spread of COVID-19; and

WHEREAS, the spread of COVID-19 endangers public health and safety and, if Kentuckians do not work together to contain the disease, it threatens to overwhelm the Commonwealth's healthcare resources; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) and the Kentucky Department of Public Health have recommended that the public practice social distancing, meaning staying home when possible and otherwise maintaining six feet of distance from other individuals, to minimize the transmission of the coronavirus; and

WHEREAS, locations where people congregate unnecessarily and/or fail to follow adequate social distancing practices are therefore scenes of an emergency; and

WHEREAS, I, Andy Beshear, Governor of the Commonwealth of Kentucky, did declare by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth of Kentucky; and

WHEREAS, under such circumstances, I am further empowered by KRS Chapter 39A to exercise all other powers deemed necessary to promote and secure the safety and protection of the civilian population, including the power to suspend state statutes and regulations, and to command individuals to disperse from the location of an emergency:



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-246
March 22, 2020

NOW THEREFORE, I Andy Beshear, by virtue of authority vested in me pursuant to the Constitution of Kentucky and by KRS Chapter 39A, do hereby Order and Direct as follows:

1. All in-person retail businesses that are not life-sustaining are ordered to close effective Monday, March 23, 2020, at 8:00 p.m.
2. Life-sustaining retail businesses include grocery stores, pharmacies, banks, hardware stores, and other businesses that provide staple goods. A full list of categories of life-sustaining in-person retail businesses is attached to this Order.
3. Retail businesses that are not life-sustaining may provide local delivery and curbside service of online or telephone orders.
4. Retail businesses that remain open must follow, to the fullest extent practicable, social distancing and hygiene guidance from the CDC and the Kentucky Department of Public Health, including: ensuring physical separation of employees and customers by at least six feet when possible; ensuring employees practice appropriate hygiene measures, including regular, thorough handwashing; regularly cleaning and disinfecting frequently touched objects and surfaces; and ordering sick individuals to leave the premises. Failure to do so is a violation of this Order, and could subject said business to closure.
5. All prior Executive Orders, and Orders issued by Cabinets pursuant to Executive Order 2020-215, remain in full force and effect, except to the extent they conflict with this Order. For the avoidance of doubt, carry-out, delivery, and drive-through food and beverage sales may continue, consistent with the March 16, 2020 Order of the Cabinet for Health and Family Services and the Department of Public Health and the March 19, 2020 Order of the Public Protection Cabinet.
6. Consistent with KRS 39A.100(1)(h) and (3), nothing in this Order should be construed to interfere with the lawful sale of firearms and ammunition. Any businesses engaged in the lawful sale of firearms and ammunition must follow social distancing and hygiene guidance from the CDC and the Kentucky Department of Public Health, including: ensuring physical separation of employees and customers by at least six feet when possible; ensuring employees practice appropriate hygiene measures, including regular, thorough handwashing; regularly cleaning and disinfecting frequently touched objects and surfaces; and ordering sick individuals to leave the premises. Failure to do so is a violation of this Order, and could subject said business to closure.



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER


Secretary of State
Frankfort
Kentucky

2020-246
March 22, 2020

This Order shall be in effect for the duration of the State of Emergency herein referenced, or until this Executive Order is rescinded by further order or by operation of law.



ANDY BESHEAR, Governor
Commonwealth of Kentucky



MICHAEL G. ADAMS
Secretary of State

Faint, illegible text and lines, possibly a stamp or administrative markings.

Executive Order 2020-246
List of Life-Sustaining Retail

Motor Vehicle and Parts Dealers

Automobile Dealers	No
Other Motor Vehicle Dealers	No
Automotive Parts, Repair, Accessories, and Tire Stores	Yes
Auto, Truck, and Van Rental	Yes

Notes
Dealers may provide repair, parts, and service, but showrooms must close.

Furniture and Home Furnishings Stores

No

Electronics and Appliance Stores

No

Building Material and Garden Equipment and Supplies Dealers

Yes

Banks, Credit Unions, Check Cashing, Wire Transfer, and Other Financial Services

Yes

Food and Beverage Stores

Grocery Stores	Yes
Supermarkets	Yes
Specialty Food Stores	Yes
Meat Markets	Yes
Fish and Seafood Markets	Yes
Fruit and Vegetable Markets	Yes
Beer, Wine, and Liquor Stores	Yes

Health and Personal Care Stores

Pharmacies and Drug Stores	Yes
Cosmetics, Beauty Supplies, and Perfume Stores	No
Optical Goods Stores	No
Other Health and Personal Care Stores	No

Gasoline Stations and Convenience Stores

Yes

Clothing and Clothing Accessories Stores

Clothing Stores	No
Shoe Stores	No
Jewelry, Luggage, and Leather Goods Stores	No

Sporting Goods, Hobby, Musical Instrument, and Book Stores

No

General Merchandise Stores

Department Stores	No
General Merchandise Stores, including Warehouse Clubs and Supercenters	Yes

Miscellaneous Store Retailers

Florists	No
Office Supplies, Stationery, and Gift Stores	No
Used Merchandise Stores	No
Pet and Pet Supplies Stores	Yes
All Other Miscellaneous Store Retailers	No



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-257
March 25, 2020

STATE OF EMERGENCY

Background

The novel coronavirus (COVID-19) is a respiratory disease causing illness that can range from very mild to severe, including illness resulting in death, and many cases of COVID-19 have been confirmed in the Commonwealth.

To help protect our community from the spread of COVID-19, Kentuckians are encouraged to remain Healthy at Home. By staying home and limiting your in-person contact, you can stop the spread of COVID-19, which endangers public health and safety. If we do not work together to contain the disease, COVID-19 threatens to overwhelm the Commonwealth's healthcare resources.

The Centers for Disease Control and Prevention (CDC) and the Kentucky Department of Public Health have recommended that everyone practice social distancing, meaning staying home when possible and otherwise maintaining six feet of distance from other individuals, to minimize the spread of the disease. Where people congregate unnecessarily, or fail to follow adequate social distancing practices, they are spreading the disease, creating scenes of an emergency.

The Kentucky Constitution and Kentucky Revised Statutes, including KRS Chapter 39A, empower me to exercise all powers necessary to promote and secure the safety and protection of the civilian population, including the power to suspend state statutes and regulations, and to command individuals to disperse from the scene of an emergency. Under those powers, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth.

I am now issuing this Order to take additional steps to encourage Kentuckians to remain Healthy at Home, and to do everything in their power to stop the spread of the



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-257
March 25, 2020

disease. This Order should be construed broadly to prohibit in-person work that is not necessary to protect or sustain life.

Order

I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of authority vested in me pursuant to the Constitution of Kentucky and by KRS Chapter 39A, do hereby Order and Direct as follows:

1. **Only Life-Sustaining Businesses May Remain Open.** All businesses that are not life-sustaining shall cease operations effective Thursday, March 26, 2020, at 8:00 p.m., except as needed to conduct Minimum Basic Operations, as defined in this Order. For the purposes of this Order, Life-Sustaining Businesses are all businesses that allow Kentuckians to remain Healthy at Home, including:
 - a. **CISA List.** All businesses operating in the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>.
 - b. **Life-sustaining Retail.** In-person retail businesses that provide life-sustaining goods, consistent with Executive Order 2020-246, as well as businesses that supply life-sustaining retail and their administrative support operations. In addition, the following additional categories of retail are designated as life-sustaining under this Order:
 - i. hardware stores and businesses that sell electrical, plumbing, and heating material;
 - ii. agricultural supply and equipment stores;
 - iii. medical product supply and equipment stores; and
 - iv. stores that supply first responders and other critical government and healthcare workers.

The life-sustaining retail stores listed above shall, to the fullest extent possible, permit customers to use delivery or curbside service.

- c. **Food, beverage, and agriculture.** Food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities.



ANDY BESHEAR
GOVERNOR

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Secretary of State
Frankfort
Kentucky

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March 25, 2020

- d. **Organizations that provide charitable and social services.** Businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or special populations, individuals who need assistance as a result of this emergency, and people with disabilities. These organizations have a special responsibility to implement social distancing to the fullest extent possible, and to take all necessary actions to stop the spread of disease, including by stopping in-person retail operations.
- e. **Media.** Newspapers, television, radio, and other media services.
- f. **Gas stations and businesses needed for transportation.** Gas stations and auto-supply, auto-repair, farm equipment, construction equipment, boat repair, and related facilities; bicycle repair shops and related facilities; and motorcycle repair shops.
- g. **Financial Services.** Depository institutions, including but not limited to banks and credit unions; Non-depository institutions, including but not limited to consumer, industrial and mortgage loan companies, mortgage loan brokers, originators and processors, deferred deposit, check cashers, and payday lending companies, title pledge lenders, and money transmitters; securities institutions, including but not limited to brokers, agents, advisers and issuers; appraisers, financial markets, bond issuers, or institutions selling financial products to the extent they are providing financial services; and pawnbrokers, to the extent they are providing check-cashing or similar financial services, or to the extent they are selling firearms and ammunition pursuant to Paragraph 9 of this Order.
- h. **Housing, Buildings and Construction.** To ensure Kentuckians can remain Healthy at Home, businesses providing construction or maintenance of residential, commercial, or governmental structures, including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff, security staff, operating engineers, HVAC, painting, landscaping, moving and relocation services, necessary for sustaining the safety, sanitation and operation of structures.
- i. **Mail, post, shipping, logistics, delivery, and pick-up services.** Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, beverages, goods or services to end users or through commercial channels.
- j. **Laundry services.** Laundromats, dry cleaners, industrial laundry services, and laundry service providers.



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- k. **Restaurants for consumption off-premises.** Carry-out, delivery, and drive-through food and beverage sales may continue, consistent with the March 16, 2020 Order of the Cabinet for Health and Family Services and the Department of Public Health and the March 19, 2020 Order of the Public Protection Cabinet.
- l. **Supplies for Life-Sustaining Businesses.** Businesses that sell, manufacture, or supply other Life-Sustaining Businesses with the support or materials necessary to operate, including computers, audio and video electronics, household appliances; IT and telecommunication equipment; hardware, paint, flat glass; electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals, soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security.
- m. **Transportation.** Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for Kentuckians to safely remain Healthy at Home, and to access Life-Sustaining Businesses.
- n. **Home-based care and services.** Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, and other in-home services including meal delivery.
- o. **Professional services.** Professional services, such as legal services, accounting services, insurance services, real estate services (including appraisal and title services). Professional services firms must implement telecommuting and remote work to the fullest extent possible, and should only use in-person interaction to support Minimum Basic Operations or where telecommuting is impossible.
- p. **Manufacture, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying critical products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, mineral extraction, construction, national defense, communications, as well as products used by other Life-Sustaining Businesses, or products that can be used to treat or prevent COVID-19.



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- enforcement of orders of eviction for residential premises for the duration of the State of Emergency under Executive Order 2020-215. No provision contained within this Order shall be construed as relieving any individual of the obligation to pay rent, to make mortgage payments, or to comply with any other obligation that an individual may have under tenancy or mortgage.
6. **Additional Orders.** The following designees may provide guidance, clarification or modification of this Order to industries or businesses, and may otherwise issue orders necessary to the operation of government during the State of Emergency: the Governor's Executive Cabinet, as set forth in KRS 11.065; the Commissioner of Public Health; the Director of the Division of Emergency Management; and the Director of the Kentucky Office of Homeland Security. Local health departments may take all necessary measures to implement this Order.
 7. **In-Person Government Services.** All in-person government activities at the state, county, and local level that are not necessary to sustain or protect life, or to supporting Life-Sustaining Businesses, are suspended.
 - a. For purposes of this Order, necessary government activities include activities performed by critical infrastructure workers, including workers in law enforcement, public safety, and first responders. Such activities also include, but are not limited to, public transit, trash pick-up and disposal, activities necessary to manage and oversee elections, operations necessary to enable transactions that support the work of a business's or operation's critical infrastructure workers, and the maintenance of safe and sanitary public parks so as to allow for outdoor recreation.
 - b. Any in-person government services that continue must operate consistent with social distancing, as set forth in Paragraph 3 of this Order.
 - c. Any statutory deadlines that conflict with the suspension of in-person government activities are hereby suspended during the pendency of this Order.
 - d. Nothing in this Order should be interpreted to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority.
 8. **Prior Orders Remain In Effect.** All prior Executive Orders, and Orders issued by Cabinets pursuant to Executive Order 2020-215, remain in full force and effect, except to the extent they conflict with this Order. For the avoidance of doubt, mass gatherings remain prohibited pursuant to the March 19, 2020 Order of the Cabinet for Health and Family Services and the Department of Public Health. Non-life sustaining retail operations may continue to provide local delivery and curbside service of online or telephone



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orders, consistent with Executive Order 2020-246. Violations of these and other Orders issued pursuant to Executive Order 2020-215 are punishable as provided in KRS Chapter 39A.

9. **Firearms.** Consistent with KRS 39A.100(1)(h) and (3), nothing in this Order should be construed to interfere with the lawful sale of firearms and ammunition. Any businesses engaged in the lawful sale of firearms and ammunition must follow social distancing and hygiene guidance from the CDC and the Kentucky Department of Public Health, including: ensuring physical separation of employees and customers by at least six feet when possible; ensuring employees practice appropriate hygiene measures, including regular, thorough handwashing; regularly cleaning and disinfecting frequently touched objects and surfaces; and ordering sick individuals to leave the premises. Failure to do so is a violation of this Order, and could subject said business to closure.

This Order shall be in effect for the duration of the State of Emergency herein referenced, or until this Executive Order is rescinded by further order or by operation of law.



ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-275
April 8, 2020

STATE OF EMERGENCY

Background

The novel coronavirus (COVID-19) is a respiratory disease causing illness that can range from very mild to severe, including illness resulting in death, and many cases of COVID-19 have been confirmed in the Commonwealth.

The Kentucky Constitution and Kentucky Revised Statutes, including KRS Chapter 39A, empower me to exercise all powers necessary to promote and secure the safety and protection of the civilian population, including the power to suspend state statutes and regulations, and to command individuals to disperse from the scene of an emergency. Under those powers, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth. On March 18, 2020, I signed Executive Order 2020-243, encouraging all Kentucky citizens to take all feasible measures to engage in appropriate social distancing in accordance with the guidance of the Centers for Disease Control and Prevention ("CDC"). On March 22, 2020, I signed Executive Order 2020-246, ordering all in-person retail businesses that are not life-sustaining to close. On March 25, 2020, I signed Executive Order 202-257, requiring life-sustaining businesses to, to the fullest extent possible, utilize delivery or curbside service in lieu of in-person service, and to adhere to social distancing and hygiene guidance from the CDC. Now, I find it necessary to implement further steps to limit in-person traffic in life-sustaining retail businesses as well as door-to-door solicitations.

Order

I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of authority vested in me pursuant to the Constitution of Kentucky and by KRS Chapter 39A, do hereby Order and Direct as follows:



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-275
April 8, 2020

1. Any life-sustaining retail businesses identified by Executive Order 2020-246 and Executive Order 2020-257 shall limit the number of shoppers allowed to enter the business to one adult member per household.
2. Paragraph 1. shall not apply to minors or to adult members of households that accompany one adult member of a household into a life-sustaining retail business who cannot be left without supervision or care because of their age or a disability or physical or mental impairment.
3. To the extent practical, minors and adult members with a disability or physical or mental impairment should remain Healthy at Home.
4. In addition, all uninvited, in-person solicitation for any purpose occurring at a residence or physical business location must cease.
5. This Order shall be interpreted as an addition to the social distancing and hygiene measures previously set forth in Executive Order 2020-257 and enforced accordingly.
6. All prior Executive Orders and Orders issued by Cabinets pursuant to Executive Order 2020-215 remain in full force and effect to the extent they do not conflict with this Order.

This Order shall be in effect for the duration of the State of Emergency under Executive Order 2020-215, or until the rescission of this Order by further order or by operation of law.

A handwritten signature in black ink, appearing to read "Andy Beshear", written over a horizontal line.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE SECRETARY**

Andy Beshear
Governor

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Eric C. Friedlander
Secretary

ORDER

May 11, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215 declaring a state of emergency in the Commonwealth due to the outbreak of the COVID-19 virus, a public health emergency.

At this time the Commonwealth is beginning to reopen its economy with a phased approach known as the Healthy at Work program. Healthy at Work is based upon criteria set by the Centers for Disease Control and Prevention and public health officials and experts, along with advice from industry experts. Each phase will be introduced in steps to ensure the Commonwealth's citizens can safely return to work while still protecting the most vulnerable Kentuckians.

The Cabinet for Health and Family Services has already issued directives for the reopening of Kentucky's healthcare system that are available for review on <https://govstatus.egov.com/ky-healthy-at-work>. On May 11, 2020, Healthy at Work will continue with the reopening of entities in the following economic sectors: manufacturing, distribution, and supply-chain businesses; vehicle and vessel dealerships; office-based businesses (50% or less in office); photography businesses; pet care, grooming, and boarding businesses; and horse racing tracks (with no fans).

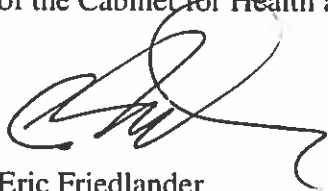
Therefore, pursuant to the authority in KRS Chapter 39A, KRS 194A.025, KRS 214.020, Executive Order 2020-215, and Executive Order 2020-323, the Cabinet for Health and Family Services states that the following directives are in effect during this state of emergency:

All entities in the Commonwealth of Kentucky shall comply with minimum requirements attached to, and fully adopted and incorporated by reference in this Order. The minimum requirements for all entities in the Commonwealth of Kentucky can be found at: <https://govstatus.egov.com/ky-healthy-at-work>.

In addition to the minimum requirements, entities shall implement and comply with any industry- or sector-specific requirements under any Cabinet Order. Those requirements can be found at <https://govstatus.egov.com/ky-healthy-at-work>.

If any entity cannot comply with the minimum requirements or the industry- or sector-specific requirements, they must wait to reopen until they are able to do so or until some or all of these requirements are lifted.

The Secretary for the Cabinet for Health and Family Services has been designated by the Governor to deliver these directives during this public health emergency. The Cabinet for Health and Family Services will continue to provide information and updates during the duration of this Public Health Emergency. Prior orders of the Cabinet for Health and Family Services remain in effect unless inconsistent with this Order.

A handwritten signature in black ink, appearing to read 'Eric Friedlander', with a large, stylized flourish extending from the end of the signature.

Eric Friedlander
~~Acting~~ Secretary
Governor's Designee

Minimum Requirements for All Entities

All entities that are currently closed will remain closed until it is determined it is safe for their sector to begin reopening.

Closed Entities Reopening. Each entity must meet the following minimum requirements before they can reopen. If any entity in a sector being reopened cannot comply with the minimum requirements set out below, they must wait to reopen until they are able to do so or until some or all of these restrictions are lifted.

Entities That Have Remained Open. For those entities that have been deemed life-sustaining and remained operating, they will be expected to meet the following minimum requirements no later than May 11, 2020.

1. **Continue telework where possible.** Entities should operate via phone or Internet to the greatest extent practicable. Employees who are able to perform their job duties via telework (phone or Internet) must continue to telework.
2. **Phased return to work.** Entities are encouraged to implement a phased return to work, including generous telework, sick leave, and family leave policies for those employees who are not able to come into work due to illness, taking care of a family member(s), or lack of childcare options.
3. **Enforce social distancing.** Entities must ensure, to the greatest extent practicable, that employees who are not able to telework and must be physically present at the office remain a minimum of six (6) feet away from all other employees and customers unless closer interaction is absolutely required to perform their job duties (e.g., health care examinations).
4. **Limit face-to-face interaction.** Entities must ensure that employees minimize face-to-face contact with one another and with customers to the greatest extent practicable. Meetings should be conducted via telephone or Internet if possible.
5. **Universal masks and any other necessary PPE.**

Universal Employee Masks: Businesses, organizations, and entities must ensure, to the greatest extent practicable, that their employees, volunteers, and contractors wear a cloth mask (a surgical or N95 mask is not required). A business, organization, or entity need not require an employee/volunteer/contractor to wear a mask when masking would create a serious health or safety hazard to the employee/volunteer/contractor, when the employee/volunteer/contractor is working alone in an enclosed space, or when the employee/volunteer/contractor is working

alone in an area with more than six (6) feet of social distancing. Businesses and organizations shall provide PPE at no cost to employees and should offer instruction on proper use of masks and PPE.

CDC guidelines on proper use of PPE can be found at:

<https://www.cdc.gov/coronavirus/2019-ncov/downloads/DIY-cloth-face-covering-instructions.pdf>.

Encourage Customers to Mask: Entities should encourage customers to wear masks, which the entities may provide. Entities may refuse to serve any customer who is not wearing a mask.

Access To Gloves: Entities must make gloves available to employees whose duties include touching items or surfaces often touched by others. Entities should also follow the CDC, OSHA, or other applicable federal guidelines relating to gloves.

6. **Adequate Hand Sanitizer and Encouraging Hand Washing.** Entities must supply adequate hand sanitizer (60% alcohol content or higher) for both employees and customers and ensure that it is made available near high-traffic and high-touch areas (e.g., doors or door handles). Entities must also encourage routine and consistent hand washing for employees and customers.
7. **Restrict Common Areas.** Entities must, to the greatest extent practicable, restrict common areas such as lobbies, waiting rooms, break rooms, smoking areas, lunch rooms, and concession areas to maximize social distancing and reduce congregating.
8. **Proper sanitation.** Entities must sanitize frequently touched surfaces and areas (e.g., door knobs, credit card machines, shared computers) in accordance with CDC guidelines. When they have identified an employee who has COVID-19 or the associated symptoms, entities must further ensure that they immediately restrict access to contaminated areas and post signage and adequately clean impacted areas. Any contaminated area should be off-limits to all but essential personnel for a minimum of 24 hours if practicable.
9. **Conduct daily temperature/health checks.** Entities must require employees to undergo daily temperature and health checks; these checks may be either self-administered or

Healthy at Work



administered by the entities prior to workplace entry. Self-administered temperature and health checks may be performed at home. Employees who have a fever and/or any symptoms of COVID-19 should be directed to their health care provider to be tested and then instructed to quarantine at home as soon as any illness is detected. This includes employees that passed a temperature and health check prior to reporting to work but became ill during the course of the day. Guidance on COVID-19 symptoms and how to conduct temperature and health checks can be found in the [Health Requirements and Temperature Checks](#) section below.

- 10. Create a testing plan.** Entities must ensure that any employee with COVID-19 symptoms is tested by a health care provider for COVID-19 within 36 hours. Entities must ensure that employees are trained on how to isolate individuals with suspected or confirmed COVID-19 and how to report possible cases. If an employee tests positive, the entities must immediately notify the local public health department.
- 11. Make special accommodations.** Entities must, to the greatest extent practicable, make special accommodations for employees and customers at higher risk for severe illness. Individuals in these high-risk categories have been identified by the Centers for Disease Control and Prevention – further information is available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>.
- 12. Designate a “Healthy at Work” Officer.** Entities must ensure that an employee is designated as its Healthy at Work Officer. This individual will be responsible for the entity’s compliance with this guidance and any other guidance provided. Entities should allow for employees to identify and communicate potential improvements and/or concerns to the Healthy at Work designated Officer or management.
- 13. Educate and Train Employees.** Entities must educate and train all individuals, including employees, temporary employees, contractors, vendors, customers, etc., regarding the Healthy at Work protocols. This training must be offered during scheduled work times at no cost to the employee.
- 14. Contact Notification Responsibilities.** Entities opened must be prepared to assist public health officials if an employee tests positive or becomes exposed to COVID-19. This assistance includes, but is not limited to, providing the employee’s work schedule, workstation, hours or shifts worked, when the employee was potentially exposed, and the names and contact information of any other employee or other party exposed to the virus. Additional information about Contact Notification Responsibilities can be found in the [Contact Notification Responsibilities Section Below](#).

If any entity fails to comply with this guidance, they can be reported to KYSAFER at 833-KYSAFER or kysafer.ky.gov.

Requirements for Health and Temperature Screenings

- All businesses should instruct employees not to report to work if they are having fever and/or any symptoms of COVID-19.
- All businesses, once their sector has been reopened and they can comply with the requirements to reopen, must require employees to undergo a temperature and health check prior to beginning work each day to minimize the spread of COVID-19. This includes businesses that remained operating because they were deemed life-sustaining; those businesses must begin implementing health checks and the other minimum requirements starting May 11, 2020.
- These daily temperature and health checks may be administered by the employer at the business site or self-administered by the employee prior to arriving at work (at least once every 24-hour period).

Health Screenings

- All businesses must assess employees each day to ensure that they do not have any COVID-19 symptoms. Businesses may choose whether to require: 1) an in-person assessment at the beginning of each day, or; 2) a self-screening that the employee conducts at least once every 24 hours and then reports the results to the business.
- Any in-person assessment or self-screening must answer the following questions:
 - Have you had any of the CDC-recognized COVID-19 symptoms since your last day at work or the last time you were here? Please answer “Yes” or “No” to each question.
 - Employers should then list the CDC-recognized COVID-19 symptoms and have the employee respond to each symptom with a “Yes” or “No.”
 - The current CDC-recognized COVID-19 symptoms are available at <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>. These symptoms are sometimes updated or supplemented, so employers should be sure to check this website regularly and update their assessment in line with CDC guidance.
 - Is there anyone in your household who is showing COVID-19 symptoms or who has been diagnosed with COVID-19?
 - Have you been in close contact with anyone exhibiting sign or symptoms of fever, persistent cough or shortness of breath consistent with COVID-19 who has not been tested or is still awaiting testing?

Temperature Screenings

- All businesses must assess employees each day to ensure they do not have a fever. Businesses may choose whether to require: 1) on-site temperature screenings, or; 2) self-screenings conducted by the employees at home at least once every 24 hours, ideally just before going to work, and reported to the employer prior to beginning work. Employees with a fever above 100.4° should not report to work.
- If the business opts for on-site temperature screenings, businesses should ensure that proper social distancing can still be followed. This may be accomplished by using no- contact thermometers or thermal imaging cameras. If that equipment is unavailable, it may be accomplished by setting up temperature check stations for employees to self- administer standard oral/aural thermometer checks and then report the results to on- site screeners. If standard oral/aural thermometers are used, they should be thoroughly sanitized after each use.

Acting on Screening Results

- If the employee answers “NO” to all of the screening questions AND has a temperature of 100.4°F or below, then they may begin their work day. However, employees should be instructed to continue to self-monitor during the day; if they develop symptoms during the workday, they should report those symptoms to a supervisor and leave work to report to a health care provider for testing.
- If the employee answers “YES” to any of the screening questions OR has a temperature greater than 100.4°F, then the employee must not be allowed into the workplace that day, unless cleared by a medical professional. They should self-isolate at home and follow current Kentucky Department for Public Health and/or CDC guidelines available at: <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>

Healthy At Work: Contact Notification

Contact notification is the process of identifying, contacting, and supporting people who have been exposed to a disease. It is a critical part of our effort to stop transmission of COVID-19.

Public health officials will interview patients who have tested positive for COVID-19, to learn about their recent contacts. Officials will then reach out to all of the close contacts of COVID-19 positive persons to inform them of their status and risks.

Responsibilities of Entities Under Healthy At Work

Entities opened under Healthy At Work must be prepared to assist public health officials if an employee tests positive or becomes exposed to COVID-19. They should keep documentation of work shifts, work locations, meetings, and in-person clients or visitor contacts. Entities should be prepared to answer the following questions about the employee who tested positive:

- **What was that employee's work schedule prior to testing positive?**
- **Where was that employee working in the days prior to testing positive?**
- **When was the last day that employee came into work?**
- **Who could have come in close contact (defined as being within six feet for more than thirty minutes) with that employee in the two days prior to that employee testing positive?**
 - **Consider employees who were working nearby, sitting in the same meetings, interacting during breaks, entering or exiting the building together, or riding in a car together.**
 - **Consider customers, clients, or visitors who may have interacted with that employee based on visitor logs, invoices, billing statements, or meeting records.**
- **Please provide contact information for the employee who tested positive and anyone who may have come into close contact with that employee.**



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE SECRETARY**

**Andy Beshear
Governor**

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**Eric C. Friedlander
Secretary**

ORDER

May 20, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth due to the outbreak of COVID-19 virus, a public health emergency. Pursuant to the authority in KRS 194A.025, KRS 214.020, and Executive Orders 2020-215, 2020-243, 2020-257, 2020-323, the Cabinet for Health and Family Services, Department for Public Health, hereby orders the following directives to reduce and slow the spread of COVID-19:

1. The March 19, 2020 Order of the Cabinet for Health and Family Services concerning mass gatherings, as previously amended by the May 9, 2020 Order of the Cabinet for Health and Family Services (the "Mass Gatherings Order"), is hereby further amended as follows.
2. As previously ordered, the Mass Gatherings Order does not prohibit in-person services of faith-based organizations. Faith-based organizations that have in-person services must continue to implement and follow the Guidelines for Places of Worship, which are attached hereto and incorporated by reference herein. The Guidelines for Places of Worship are available online at: <https://healthyatwork.ky.gov>.
3. For the avoidance of doubt, nothing in these Orders prohibits drive-in or virtual, televised, or radio services of faith-based organizations, so long as appropriate social distancing and hygiene measures as recommended by the Centers for Disease Control and Prevention are implemented and followed.
4. Effective May 20, 2020, funeral and memorial service providers must, in addition to the minimum requirements for all entities in the Commonwealth of Kentucky attached to and incorporated by reference in the May 11, 2020 Cabinet Order, implement and follow the Requirements for Funeral and Memorial Services, which are attached hereto and incorporated by reference herein. The Requirements for Funeral and Memorial Services and the

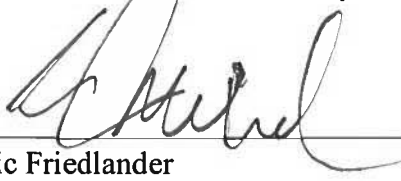
minimum requirements for all entities are available online at:
<https://healthyatwork.ky.gov>.

5. Effective May 22, 2020, the Mass Gatherings Order shall no longer prohibit gatherings of up to 10 people. Gatherings of up to 10 people must follow the Guidance for Gatherings of Up to 10 People, which are attached hereto and incorporated by reference herein. The Guidance for Gatherings of Up to 10 People are available online at: <https://healthyatwork.ky.gov>.
6. For the avoidance of doubt, this Order does not apply to or otherwise restrict entities such as restaurants, in-person retail establishments, public-facing businesses, or other businesses permitted to reopen pursuant to other Orders of this Cabinet or another Cabinet, or Executive Orders. However, such entities must implement and comply with the requirements set forth for those entities in applicable Orders.
7. The Mass Gatherings Order remains in full force and effect except as amended herein. For the avoidance of doubt, gatherings of more than 10 people remain prohibited as set forth in the Mass Gatherings Order.
8. Any gathering, regardless of whether it is a mass gathering prohibited under this Order, shall to the fullest extent practicable implement Centers for Disease Control and Prevention guidance, including:
 - maintaining a distance of 6 feet between persons;
 - encouraging good hygiene measures, including regular, thorough handwashing, and providing adequate hygiene materials, including hand sanitizing options;
 - encouraging people who are sick to remain home or leave the premises; and
 - regularly cleaning and disinfecting frequently touched objects and surfaces.
9. The Department for Public Health hereby delegates to local health departments the authority to take all necessary measures to implement this Order.

The Cabinet for Health and Family Services will monitor these directives continuously.



Steven J. Stack, M.D.
Commissioner of Public Health
Department for Public Health
Cabinet for Health and Family Services



Eric Friedlander
Secretary
Governor's Designee

Requirements for Funeral and Memorial Services

Funeral and memorial service providers will be required to meet the same Healthy at Work Minimum Requirements as businesses. In addition **funeral and memorial service providers** must meet the requirements below in order to reopen and remain open:

Social Distancing Requirements

- Funeral and memorial service providers conducting in-person funerals, memorials or burials should limit attendance to no more than 33% of the building occupancy capacity, excluding any officiants, funeral directors, clergy and staff members, while maintaining social distance between household units of at least six (6) feet. A funeral or memorial service provider that cannot maintain this space must further reduce occupancy capacity until this is achieved. Additionally, funeral and memorial service providers should, to the greatest extent practicable, conduct alternative services, including recorded video and live video internet broadcasted services (e.g. live streaming social media broadcasts).
- Funeral and memorial service providers, for outdoor funerals, memorials or graveside services, should encourage services which allow their attendees remain in their vehicles and not socialize through their vehicle windows, except at a distance of more than six (6) feet. Attendees should turn off their vehicles to avoid idling and protect everyone's health. If drive-up outdoor services are not possible, attendees to an outdoor service must maintain of at least six feet of social distance, if they are not of the same household.
- Funeral and memorial service providers should ensure, to the greatest extent practicable, that officiants, funeral directors, clergy, staff-employees, and service attendees wear coverings (e.g., cloth mask or bandana) over their mouths and noses while attending services.
- Funeral and memorial service providers should, to the greatest extent practicable, limit congregational singing during services, as doing so may aerosolize infectious particles. To the extent practicable, funeral and memorial providers should consider alternatives to congregational singing, including by playing pre-recorded or live instrumental music (e.g. pianos and guitars - no wind instruments) during services.
- Funeral and memorial service providers should consider taking attendees' temperatures and asking about signs of illness before admitting them into the funeral home, house of worship or other buildings where funeral or memorial services are held.
- Funeral and memorial service providers should not allow individuals with elevated temperatures or signs of illness (coughing, runny nose, sneezing) to attend in-person services. Funeral and memorial service providers should direct those having symptoms of

Healthy at Work



COVID-19, as well as people who have had close contact with a person who has symptoms like dry cough, chest tightness, and/or fever, to refrain from participating in any aspect of in-person services and stay at home or seek immediate medical care.

- Funeral and memorial service providers making restrooms available must ensure restrooms are only used by one person at a time and high touch surfaces are appropriately disinfected after each use (e.g. door knobs and handles).
- Funeral and memorial service providers conducting in-person services must, to the greatest extent practicable, provide hand sanitizer, handwashing facilities, tissues and waste baskets in convenient locations.
- Funeral and memorial service providers should not provide communal food or beverages to officiants, funeral directors, clergy, staff-employees, or attendees.
- Funeral and memorial service providers should restrict access to common areas, to the greatest extent practicable, in order to maximize social distancing and reduce congregating. These common areas include, but are not limited to, foyers, lobbies, vending areas, and community and multi-purpose rooms. Funeral and memorial service providers should arrange seating that allows for social distancing of at least six feet separation between family or same household attendees.
- Funeral and memorial service providers should, to the greatest extent practicable, find and encourage alternatives to handshaking, handholding and hugging.
- Funeral and memorial service providers should encourage those at higher risk for severe illness per CDC guidelines not to attend in-person services. These guidelines are available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>. Instead, funeral and memorial service providers should, to the greatest extent practicable, provide alternative services, including live streaming social media broadcasts. If a funeral or memorial service provider is unable to provide alternative services, they should, to the greatest extent practicable, implement hours where service can be safely provided to congregants at higher risk for severe illness.
- Funeral service providers should encourage funeral directors, staff and pallbearers to take precautions to stay safe while they are in close proximity to one another while honoring the deceased (e.g. wearing masks and minimize verbal interaction).

Cleaning and Disinfecting Requirements

- Funeral and memorial service providers should ensure facilities are properly cleaned and ventilated.
- Funeral and memorial service providers must ensure cleaning and sanitation of frequently touched surfaces with appropriate disinfectants. Appropriate disinfectants include EPA registered household disinfectants, diluted household bleach solution, and alcohol

solutions containing at least 60% alcohol. Funeral and memorial service providers must establish a cleaning and disinfecting process that follows CDC guidelines when any individual is identified, suspected, or confirmed as COVID-19 positive.

- Funeral and memorial service providers, as appropriate, must ensure they do not use cleaning procedures that could re-aerosolize infectious particles. This includes, but is not limited to, avoiding practices such as dry sweeping or use of high-pressure streams of air, water, or cleaning chemicals.
- Funeral and memorial service providers should put into place protocols to reduce or eliminate repeat touching of surfaces by officiants, funeral directors, clergy, staff-employees and attendees (e.g. flowers or flower arrangements, microphones, doors and door knobs or handles). If alternative expressions of support (e.g. donations to charitable organizations representing a cause the deceased or their family supports) would aide in reducing repeat touching then funeral or memorial service providers should consider encouraging those options.

Training and Safety Requirements

- Funeral and memorial service providers should ensure appropriate signage is posted throughout their facilities to inform officiants, funeral directors, clergy, staff-employees, and congregants about good hygiene and new practices.
- Funeral and memorial service providers should ensure officiants, funeral directors, clergy, staff-employees, and congregants are instructed to avoid touching their faces, including their eyes, noses, and mouths, particularly until after they have thoroughly washed their hands upon completing work and/or removing PPE, to the greatest extent practicable.
- Funeral and memorial service providers should ensure officiants, funeral directors, clergy, staff-employees, and congregants are informed that they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure.

Guidance for Gatherings of Up To Ten (10) People

- Under Governor Beshear’s new executive order, groups of up to ten (10) people may begin gathering on May 22, 2020.
- Public health experts recommend people remain Healthy at Home to the greatest extent practicable and that they continue to socialize via Internet, telephone, and any other modes of communications that allow people to engage in appropriate social distancing.
- While people may meet in groups of up to ten (10) people, public health experts discourage people from engaging in excessive social gatherings in order to appropriately limit contacts.
- If people meet in the allowable groups of up to ten (10) people, public health experts recommend limiting the gathering size to the smallest number of people practicable.
- Public health experts discourage people from sharing items in any gathering, including tools, sporting equipment, vehicles, cooking/grilling ware, and other high-touch objects.
- If you are a member of a group particularly vulnerable to COVID-19 (individuals with conditions identified by the CDC as higher risk or those over 65 years old), public health experts recommend that you avoid any in-person gatherings and remain Healthy At Home.
- If you host or attend a gathering of up to ten people, please consider the following recommendations:
 - Hold the gathering outside whenever possible;
 - Remain at least six (6) feet apart from people who are not a part of your household;
 - Do not share food, drink, containers, plates, napkins, or utensils;
 - Wash or sanitize your hands frequently before, during, and after the gathering;
 - Avoid touching your eyes, nose, or mouth, and;
 - If you will be closer than six (6) feet to someone outside your household at any point, wear a cloth face covering or mask over your nose and mouth.

Guidelines for Places of Worship

Places of worship will be expected to meet the Healthy at Work Minimum Requirements. In addition, **places of worship should follow the guidelines** in order to reopen and remain open:

Social Distancing

- Places of worship should, to the greatest extent practicable, continue to conduct alternative services, including tele-services, radio broadcasts, and drive-in services.
- Places of worship conducting drive-in services should ensure their congregants remain in their vehicles and not socialize through their vehicle windows, except at a distance of more than six (6) feet. Attendees should turn off their vehicles to avoid idling and protect everyone's health.
- Places of worship conducting in-person services should limit attendance to no more than 33% of the building occupancy capacity, including clergy and staff-employees, while maintaining social distance between household units of at least six (6) feet. This means that there must be six (6) feet between individuals on a row and individuals between rows, such that a six-foot radius is maintained around all household units. A place of worship that cannot maintain this space must further reduce its occupancy capacity until it is achieved.
- Places of worship should ensure, to the greatest extent practicable, that clergy, staff-employees, volunteers and congregants wear coverings (e.g., cloth mask or bandana) over their mouths and noses while attending services.
- Places of worship should wait to reopen youth services (including, but not limited to, Sunday schools) until childcare services have reopened on June 15, 2020. Once they reopen, youth services should follow the requirements posted for childcare services.
- Singing during services creates a higher risk of spreading infectious particles. Choirs should avoid singing. Congregants should wear face coverings and consider a greater than six feet social distance from others if they choose to sing. Houses of worship should consider alternatives to congregational singing, including by playing pre-recorded or live instrumental music (e.g. pianos and guitars - no wind instruments) during services.
- Places of worship should consider taking congregants' temperatures and asking about signs of illness before admitting them into the place of worship. If they do take temperatures, they should consider using a non-contact thermometer or thermal imager. If a place of worship must use a standard oral/aural thermometer, consider having the congregant take their own temperature and relay the information to maintain social distancing and sanitize the thermometer after each use.

Healthy at Work



- Places of worship should not allow individuals with elevated temperatures (100.5 degrees Fahrenheit or above) or signs of illness (coughing, shortness of breath, sneezing) to attend in-person services. Houses of worship should direct those having symptoms of COVID-19, as well as people who have had close contact with a person who has symptoms like dry cough, chest tightness, and/or fever, to refrain from participating in any aspect of in-person services. Places of worship should encourage symptomatic persons to stay at home, seek immediate medical care, or get tested.
- Places of worship should use greeters to direct congregants to available masks and bulletins. Greeters should be masked, maintain social distancing, and consider wearing gloves.
- Places of worship should display markers and signage in the sanctuary/meeting space to guide social distancing.
- Places of worship should communicate with the congregation often and with clarity and transparency. Prepare the congregation for worship and for the changes that are occurring in procedures due to the national health crisis.
- Places of worship making restrooms available must ensure restrooms are only used by one person at a time and all portions that are regularly touched (e.g., door, sink, and toilet handles) are appropriately disinfected after each use.
- Places of worship conducting in-person services must, to the greatest extent practicable, provide hand sanitizer, handwashing facilities, tissues, and waste baskets in convenient locations.
- Places of worship should not provide communal food or beverages to clergy, staff-employees, volunteers, or congregants.
- Places of worship should restrict access to common areas, to the greatest extent practicable, in order to maximize social distancing and reduce congregating. These common areas include, but are not limited to, foyers, lobbies, vending areas, community and multi-purpose rooms, and event spaces.
- Because of the requirement to socially distance at least six (6) feet apart, places of worship should refrain from the practice of handshaking, handholding, or hugging.
- Places of worship should encourage those at higher risk for severe illness per CDC guidelines not to attend in-person services. These guidelines are available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>. Instead, places of worship should, to the greatest extent practicable, provide services that are not in-person, including tele-services, drive-in services, and/or radio services for those individuals. If a house of worship is unable to provide alternative services, they should,

to the greatest extent practicable, implement hours where service can be safely provided to congregants at higher risk for severe illness.

Personal Protective Equipment Requirements

- Places of worship should ensure, to the greatest extent practicable, that clergy, staff-employees, volunteers and congregants wear face coverings (e.g., cloth mask or bandana) over their mouths and noses while attending services.

Cleaning and Disinfecting Requirements

- Places of worship must ensure facilities are properly cleaned and ventilated.
- Places of worship must ensure cleaning and sanitation of frequently touched surfaces with appropriate disinfectants. Appropriate disinfectants include EPA registered household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol. Places of worship must establish a cleaning and disinfecting process that follows CDC guidelines when any individual is identified, suspected, or confirmed as COVID-19 positive.
- Places of worship, as appropriate, must ensure they do not use cleaning procedures that could re-aerosolize infectious particles. This includes, but is not limited to, avoiding practices such as dry sweeping or use of high-pressure streams of air, water, or cleaning chemicals.

Training and Safety Requirements

- Places of worship should ensure appropriate signage is posted throughout their facilities to inform clergy, staff-employees, and congregants about good hygiene and new practices.
- Places of worship should ensure clergy, staff-employees, volunteers, and congregants are instructed to avoid touching their faces, including their eyes, noses, and mouths, particularly until after they have thoroughly washed their hands upon completing work and/or removing PPE, to the greatest extent practicable.
- Places of worship should ensure clergy, staff-employees, volunteers, and congregants are informed that they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure.



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-398
May 20, 2020

STATE OF EMERGENCY

The novel coronavirus (COVID-19) is a respiratory disease causing illness that can range from very mild to severe, including illness resulting in death, and many cases of COVID-19 have been confirmed in the Commonwealth.

The Kentucky Constitution and Kentucky Revised Statutes, including KRS Chapter 39A, empower me to exercise all powers necessary to promote and secure the safety and protection of the civilian population, including the power to suspend state statutes and regulations, and to command individuals to disperse from the scene of an emergency. Under those powers, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth. On March 22, 2020, I signed Executive Order 2020-246, ordering all in-person retail businesses that are not life-sustaining to close. On March 25, 2020, I signed Executive Order 202-257, requiring businesses that are not life-sustaining to close except as needed to conduct Minimum Basic Operations as defined in that Order.

Kentuckians are encouraged to remain Healthy at Home, which will continue to help protect our community from the spread of COVID-19. For the same reason, as the Kentucky economy reopens through phases Kentuckians and Kentucky businesses must be Healthy at Work. Continuing with the Healthy at Work reopening in Kentucky, it is appropriate that retail businesses be permitted to reopen, subject to specific requirements for retail businesses, in addition to the minimum requirements for all entities in the Commonwealth.

Order

I, Andy Beshear, by virtue of authority vested in me pursuant to the Constitution of Kentucky and by KRS Chapter 39A, do hereby Order and Direct as follows:



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-398
May 20, 2020

1. All in-person retail businesses in the Commonwealth of Kentucky, including retail businesses that were required to close under Executive Order 2020-246, are permitted to reopen and remain open on May 20, 2020.
2. All in-person retail businesses permitted to reopen on May 20, 2020 shall implement and comply with the minimum requirements for all entities in the Commonwealth of Kentucky under Executive Order 2020-323 and implemented by the May 11, 2020 Order of the Cabinet for Health and Family Services. The Cabinet Order and the minimum requirements for all entities may be found at <https://healthyatwork.ky.gov>.
3. In addition to the minimum requirements for all entities in the Commonwealth under the May 11, 2020 Order of the Cabinet for Health and Family Services, all in-person retail businesses permitted to reopen on May 20, 2020 shall, pursuant to Orders of the Cabinet for Health and Family Services implementing this Executive Order, implement and comply with the specific Requirements for Retail Businesses detailed at <https://healthyatwork.ky.gov>.
4. All uninvited, in-person solicitation for any purpose occurring at a residence or physical business location remains prohibited.
5. Executive Order 2020-246 and Executive Order 2020-275 are hereby rescinded and superseded and are no longer in effect.
6. **Other Prior Orders Remain In Effect.** All other prior Executive Orders, and Orders issued by Cabinets pursuant to Executive Order 2020-215, shall remain in full force and effect, except to the extent they conflict with this Order. For the avoidance of doubt March 17, 2020 Order of the Cabinet for Health and Family Services closing public-facing, non-retail businesses that encourage public congregation shall remain in full force and effect.
7. **Additional Orders.** The following designees may provide guidance, clarification or modification of this Order to industries or businesses, and may otherwise issue orders necessary to the operation of government during the State of Emergency: the Governor's Executive Cabinet, as set forth in KRS 11.065; the Commissioner of Public Health; the Director of the Division of Emergency Management; and the Director of the Kentucky Office of Homeland Security.
8. Failure to follow the requirements provided in this Order and any other Executive Order and any Cabinet Order, including but not limited to the Orders of the Cabinet for Health and Family Services implementing this Executive Order, is a violation of the Orders issued under KRS Chapter 39A, and could subject said business to closure or additional penalties as authorized by law.



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-398
May 20, 2020

This Order shall be in effect for the duration of the State of Emergency herein referenced, or until this Executive Order is rescinded by further order or by operation of law.

A handwritten signature in black ink, appearing to read "CJB", written over a horizontal line.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE SECRETARY**

Andy Beshear
Governor

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Eric C. Friedlander
Secretary

ORDER

May 20, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215 declaring a state of emergency in the Commonwealth due to the outbreak of the COVID-19 virus, a public health emergency.

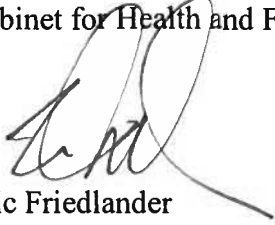
At this time the Commonwealth is beginning to reopen its economy with a phased approach known as the Healthy at Work program. Healthy at Work is based upon criteria set by the Centers for Disease Control and Prevention and public health officials and experts, along with advice from industry experts. Each phase will be introduced in steps to ensure the Commonwealth's citizens can safely return to work while still protecting the most vulnerable Kentuckians.

On May 11, 2020, the Cabinet for Health and Family Services issued an Order implementing the minimum requirements for all entities in the Commonwealth of Kentucky as the continuation of Healthy at Work, pursuant to the authority in KRS Chapter 39A, KRS 194A.025, KRS 214.020, Executive Order 2020-215, and Executive Order 2020-323. That Cabinet Order fully adopted and incorporated by reference the minimum requirements for all entities that were attached to the May 11, 2020 Order, which are available at: <https://healthyatwork.ky.gov>.

Pursuant to the authority in KRS Chapter 39A, KRS 194A.025, KRS 214.020, Executive Orders 2020-215, 2020-323, and 2020-398, the Cabinet for Health and Family Services states that in-person retail businesses shall be permitted to reopen effective May 20, 2020. In-person retail business shall, in addition to the minimum requirements for all entities in the Commonwealth of Kentucky, comply with Requirements for Retail Businesses attached to, and fully adopted and incorporated by reference in, this Order. These requirements are available at: <https://healthyatwork.ky.gov>.

If an in-person retail business cannot comply with the Requirements for Retail Businesses and the minimum requirements for all entities, it must wait to reopen until it is able to do so or until some or all of these requirements are lifted.

The Secretary for the Cabinet for Health and Family Services has been designated by the Governor to deliver these directives during this public health emergency. The Cabinet for Health and Family Services will continue to provide information and updates during the duration of this Public Health Emergency. Prior orders of the Cabinet for Health and Family Services remain in effect unless inconsistent with this Order.

A handwritten signature in black ink, appearing to read 'Eric Friedlander', with a long, sweeping underline that extends to the right.

Eric Friedlander
Secretary
Governor's Designee

Requirements for Retail Businesses

In addition to the Healthy at Work [Minimum Requirements](#), [retail businesses](#) must meet the requirements below in order to reopen and remain open:

Social Distancing Requirements

- Retail businesses should provide services and conduct business via phone or Internet to the greatest extent practicable. Any retail employees who are currently able to perform their job duties via telework (e.g., accounting staff) should continue to telework.
- Retail businesses must limit the number of customers present in any given retail business to 33% of the maximum permitted occupancy of the facility, assuming all individuals in the store are able to maintain six (6) feet of space between each other with that level of occupancy. If individuals are not able to maintain six (6) feet of space between each other at 33% of capacity, the retail business must limit the number of individuals in the store to the greatest number that permits proper social distancing.
- If a retail business has more customers wishing to enter their business than is possible under the current social distancing requirements of six (6) feet between all individuals, the business should establish a system for limiting entry and tracking occupancy numbers. Once a retail business has reached its capacity, it should permit a new customer inside only after a previous customer has left the premises on a one-to-one basis. Retail businesses experiencing lines or waits outside their doors should establish a safe means for customers to await entry, such as asking customers to remain in their car and notifying them via phone when they are able to enter the store or marking off spots six (6) feet apart where customers can safely stand without congregating.
- Retail businesses should ensure employees wear face masks for any interactions between co-workers or while in common travel areas of the business (e.g., aisles, hallways, loading docks, breakrooms, bathrooms, entries and exits). Retail employees are not required to wear face masks while alone in personal offices or if doing so would pose a serious threat to their health or safety.
- Retail businesses should ensure employees use digital files rather than paper formats (e.g., documentation, invoices, inspections, forms, agendas) to the greatest extent practicable.
- Retail businesses should, to the greatest extent practicable, modify internal traffic flow to minimize contacts between employees and customers.
- Retail businesses should demarcate six feet of distance between customers, cashiers, and baggers, except at the moment of payment and/or exchange of goods. Retail businesses

Healthy at Work



should seek to limit activities that require employees to enter within six (6) feet or less of another person, regardless of whether they have installed non-porous, physical barriers. Retail businesses should establish controls, to the greatest extent practicable, when six (6) feet of physical distancing is not feasible. This includes, for example, installation of portable or permanent non-porous physical barriers (e.g., plexiglass shields) at cash registers and point of sale.

- Retail businesses should implement contactless payment options, pickup, and delivery of goods to the greatest extent practicable.
- Retail businesses should ensure, to the greatest extent practicable, that any paperwork can be completed electronically by using e-signature technology for signatures.
- Retail businesses should ensure, if there are any documents that must be completed in-person, there is a safe process for doing so. This includes compiling all paperwork that must be completed in-person and leaving it in a single room for the customer to complete alone. Providing a sanitized pen for customer should also be included.
- Retail businesses should reduce, to the greatest extent practicable, the number employees and customers entering, exiting, or gathering at one time. One suggested method to accomplish this is by staggering the beginning and end times of employee shifts. Retail businesses that require employees to operate equipment or vehicles must, to the greatest extent practicable, limit the number of employees riding in the vehicle together. If riding in separate vehicles is not practicable then employees should maximize social distancing and wear face masks in the vehicle. Thorough cleaning and disinfecting vehicles after each trip is required.
- Retail businesses must restrict access to common areas, to the greatest extent practicable, in order to maximize social distancing and reduce congregating. These common areas include, but are not limited to, break rooms, food courts, public seating, and vending areas.
- Retail businesses with warehouses and loading docks must ensure minimal interaction between drivers at loading docks, doorsteps, or other locations.
- Retail businesses making restrooms available should, to the greatest extent practicable, limit the number of individuals in a restroom to ensure proper social distancing and ensure that frequently touched surfaces are appropriately disinfected (e.g., door knobs and handles).
- Retail businesses should provide hand sanitizer, handwashing facilities, and tissues in convenient locations to the greatest extent practicable.
- Retail businesses should limit the number of delivery personnel working together at one time to the greatest extent practicable.

Healthy at Work



- Retail businesses must ensure six (6) feet of distance between employees and customers during in-home deliveries and installations.
- Retail businesses should prohibit gatherings or meetings of employees of ten (10) or more during work hours, and should instead permit employees to take breaks and lunch outside, in their office or personal workspace, or in other areas where proper social distancing may be accomplished.
- Retail businesses should discourage employees from sharing phones, desks, workstations, radios, handhelds/wearables, or other work tools and equipment to the greatest extent practicable.
- Retail businesses should extend the time period for customers to return items.
- Retailer businesses should not allow sampling and customer access to bulk-bins.
- Retail businesses should, to the greatest extent practicable, install floor decals in cashier and queuing areas to establish safe waiting distance.
- Retail businesses should close public seating areas.
- Retail businesses should close childrens' play areas.
- Retail businesses should discourage customers from using items prior to sale, other than apparel items. However, any item that has been used or tried on must be sanitized before it is returned to the sales floor.
- Retail businesses should encourage customers to touch only those items that they intend to buy.
- Retail businesses should disallow any make-up application stations or other cosmetic facilities that encourage people to congregate.
- Retail businesses should establish procedures for managing fitting rooms, including sanitation and social distancing requirements.
- Retailer businesses should limit fitting rooms to one customer at a time to the greatest extent practicable.
- Retailer businesses should ensure any items that are not purchased are set aside in compliance with retailer established guidelines for returns. Items, such as apparel, tried on but not purchased would be separated and cleaned using steam or other appropriate cleaning measures prior to returning to sales floor.

Cleaning and Disinfecting Requirements

- Retail businesses should ensure that offices and workstations are properly cleaned and ventilated.
- Retail businesses should encourage employees to frequently wash their hands or use hand sanitizer, which should be provided by the retail business.
- Retail businesses must ensure that cleaning and sanitation of frequently touched surfaces with appropriate disinfectants. Areas with frequently touched surfaces include fitting rooms, doors, PIN pads, and common areas. Appropriate disinfectants include EPA registered household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol. Retail businesses must establish a cleaning and disinfecting process that follows CDC guidelines when any individual is identified, suspected, or confirmed COVID-19 case.
- Retail businesses should ensure shopping carts and baskets are sanitized after each use.
- Retail businesses should ensure employees wipe their workstations/cash registers down with disinfectant at the end of their shift or at any time they discontinue use of their workstations/cash register for a significant period of time.
- Retail businesses should ensure disinfecting wipes or other disinfectant are available near shared equipment.
- Retailer businesses should encourage customers to use hand sanitizer or wipes prior to fitting room use.
- Retail businesses should ensure employees do not use cleaning procedures that could re-aerosolize infectious particles. This includes, but is not limited to, avoiding practices such as dry sweeping or use of high-pressure streams of air, water, or cleaning chemicals.
- Retail businesses must ensure employees, for their own safety and that of the customer, clean and disinfect any surfaces which will be regularly touched throughout the duration of any in-home installation.
- Retail businesses must ensure the employee cleans and disinfect all surfaces which were contacted throughout in-home deliveries and installations.
- Retail businesses must ensure employees clean and disinfect any tools or supplies used through delivery and installation upon leaving the home.
- Retailers should clean all fitting rooms prior to use.

Personal Protective Equipment (PPE) Requirements

- Retail businesses must ensure appropriate face coverings and other personal protective equipment (PPE) is used by employees whenever they are near other employees or customers so long as such use does not jeopardize the employees' health or safety. Retail businesses must train employees to use PPE. This training includes: when to use PPE; what PPE is necessary; and how to properly put on, use, and remove PPE. Retail business shall provide employees with face coverings.
- Retail businesses must require contractors, vendors, and drivers to wear face coverings or masks while at the retail location.
- Retail businesses should establish a policy as to whether to serve customers who do not adhere to the business's policy on requiring masks. Retail businesses may choose not to serve those customers who refuse to wear a mask in order to protect their employees and other customers.
- Retail business must train employees to properly dispose of or disinfect PPE, inspect PPE for damage, maintain PPE, and the limitations of PPE.
- Retail businesses must ensure, to the greatest extent practicable, that employees use gloves, along with any PPE normally used for routine job tasks, when cleaning equipment, workspaces, and high-touch areas of the business.
- Retail businesses must ensure gloves are available to employees engaging in high-touch activity to the greatest extent practicable provided that they do not create additional hazards while being worn.
- Retail businesses must ensure employees wear gloves while handling products during shipping and receiving.
- Retail businesses must ensure employees wear protective face coverings and gloves during any in-home delivery.

Training and Safety Requirements

- Retail businesses must place conspicuous signage at entrances and throughout the store alerting staff and customers to the required occupancy limits, six feet of physical distance, and policy on face coverings. Signage should inform employees and customers about good hygiene and new practices.
- Retail businesses should establish procedures for processing, handling, and disinfecting returns and exchanges before returning items to the sales floor.

Healthy at Work

TEAM
KENTUCKY

- Retail businesses should, to the greatest extent practicable, implement hours where service can be safely provided to customers at higher risk for severe illness per CDC guidelines. These guidelines are available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>
- Retail businesses should ensure employees are informed that they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure at the workplace. All education and training must be communicated in the language best understood by the individual receiving the education and training.



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE SECRETARY**

Andy Beshear
Governor

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Eric C. Friedlander
Secretary

ORDER

May 22, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth due to the outbreak of COVID-19 virus, a public health emergency. Pursuant to the authority in KRS 194A.025, KRS 214.020, and Executive Orders 2020-215 and 2020-323, the Cabinet for Health and Family Services, Department for Public Health, hereby orders the following directives to reduce and slow the spread of COVID-19:

1. The March 16, 2020 Order of the Cabinet for Health and Family Services concerning restaurants (the “March 16 Food and Beverage Order”) and the March 17, 2020, Order of the Cabinet for Health and Family Services concerning public-facing businesses (the “March 17 Public-Facing Businesses Order”) are hereby amended as follows.
2. Effective May 22, 2020, the March 16, 2020 Food and Beverage Order no longer prohibits restaurants holding a food service permit in good standing and having table seating from providing food and beverage sales for onsite consumption. Restaurants must, in addition to the minimum requirements for all entities in the Commonwealth of Kentucky attached to and incorporated by reference in the May 11, 2020 Order of the Cabinet, implement and follow the Requirements for Restaurants, which are attached hereto and incorporated by reference herein. The Requirements for Restaurants and the minimum requirements are available online at: <https://healthyatwork.ky.gov>.
3. For the purposes of this Order, a restaurant is an entity that stores, prepares, serves, vends food directly to the consumer or otherwise provides food for human consumption, and must hold a food service permit in good standing and have table seating. The March 16, 2020 Food and Beverage Order remains in effect for establishments that are not restaurants.



4. Food service in health care facilities and any congregate living facilities, such as long-term care facilities as defined by KRS 216.510 and similar locations, remain exempt from the requirements of this Order and the March 16, 2020 Food and Beverage Order.

5. Liquor, beer and wine sales in the Commonwealth of Kentucky at establishments that are not restaurants remain restricted to carry-out, delivery and drive-thru services only, to the extent permitted by law. Onsite consumption remains prohibited at establishments that are not restaurants.

6. Establishments and public-facing businesses that encourage public congregation or that, by the nature of the service to the public, cannot comply with CDC guidelines concerning social distancing, ordered to cease all in-person operations under the March 17 Public-Facing Businesses Order shall continue to cease all in-person operations unless otherwise provided in this Order.

7. Effective May 25, 2020, the March 17, 2020 Public-Facing Businesses Order shall no longer apply to the following businesses or entities: (1) Cosmetology businesses; (2) Hair salons and barbershops; (3) Massage therapy businesses; (4) Nail salons; (5) Tanning salons; and (6) Tattoo parlors. The businesses or entities identified in this paragraph must, in addition to the minimum requirements for all entities in the Commonwealth of Kentucky attached to and incorporated by reference in the May 11, 2020 Order of the Cabinet, implement and follow the specific Requirements for each respective business or entity, which are attached hereto and fully incorporated by reference herein. The specific Requirements for each business identified in this paragraph and the minimum requirements for all entities are available online at: <https://healthyatwork.ky.gov>.

8. The March 17, 2020 Public-Facing Businesses Order otherwise remains in effect unless amended herein.

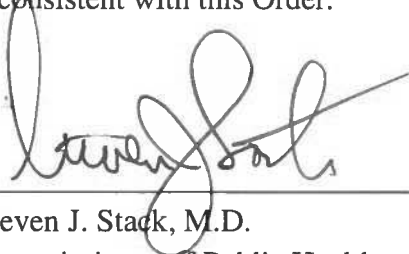
9. For the avoidance of doubt, all public facing-businesses permitted to operate must to the extent practicable implement Centers for Disease Control guidance, including:

- maintaining a distance of 6 feet between persons;
- ensuring employees practice appropriate hygiene measures, including regular, thorough handwashing;
- ensuring that employees who are sick remain home; and
- regularly cleaning and disinfecting frequently touched objects and surfaces.

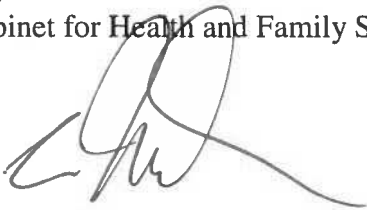
10. Failure to follow the requirements provided in this Order and any other Executive Order and any Cabinet Order, including but not limited to the Orders of the Cabinet for Health and Family Services, is a violation of the Orders issued under KRS Chapter 39A, and could subject businesses to closure or additional penalties as authorized by law.

11. The Department for Public Health hereby delegates to local health departments the authority to take all necessary measures to implement this Order.

The Secretary for the Cabinet for Health and Family Services has been designated by the Governor to deliver these directives during this public health emergency. The Cabinet for Health and Family Services will continue to provide information and updates during the duration of this Public Health Emergency. Prior orders of the Cabinet for Health and Family Services remain in effect unless inconsistent with this Order.



Steven J. Stack, M.D.
Commissioner of Public Health
Department for Public Health
Cabinet for Health and Family Services



Eric Friedlander
Secretary
Governor's Designee

Requirements for Restaurants

In addition to the Healthy at Work Minimum Requirements, restaurants¹ must meet the requirements below in order to reopen and remain open:

Social Distancing Requirements

- Restaurants that have provided food and beverage service via curbside, takeout, and delivery services should continue to do so, to the greatest extent practicable, in order to minimize the number of persons in the restaurant and contacts between them.
- Restaurants should provide services and conduct business via phone or Internet to the greatest extent practicable. Any restaurant employees who are currently able to perform their job duties via telework (e.g., accounting staff) should continue to telework.
- Restaurants should limit party size to ten (10) people or fewer. Persons not living within the same household should not be permitted to sit at the same table.
- Restaurants must limit the number of customers present in any given restaurant to 33% of the maximum permitted occupancy of seating capacity, assuming all individuals in the restaurant are able to maintain six (6) feet of space between each other with that level of occupancy. This means no person can be within six (6) feet of a person seated at another table or booth. If the restaurant is not able to maintain six (6) feet of space between tables at 33% of capacity, the restaurant must limit the number of individuals in the restaurant to the greatest number that permits proper social distancing. Restaurants should consider installation of portable or permanent non-porous physical barriers (e.g., plexiglass shields) between tables.
- Restaurants should maximize use of outdoor seating. Restaurants must be able to arrange seating so as to maintain six (6) feet of space between seated customers. This means no person can be within six (6) feet of a person seated at another table.
- Restaurants should ensure social distancing by limiting customer movement through the restaurant to the greatest extent practicable. Restaurants should inform customers that they may travel to entries, exits, and the restroom, unless circumstances (e.g. healthy and safety) require otherwise. Restaurants should to the greatest extent practicable, modify the office's traffic flow to minimize contacts.

¹ For purposes of these requirements, a “restaurant” is an entity that stores, prepares, serves, vends food directly to the consumer or otherwise provides food for human consumption, and must hold a food service permit in good standing and has table seating.

Healthy at Work



- If a restaurant has more customers wishing to enter their business than is possible under the current social distancing requirements of six (6) feet between all individuals, the restaurant should establish a system for limiting entry and tracking occupancy numbers. Once a restaurant has reached its capacity, it should permit a new customer inside only after a previous customer has left the premises on a one-to-one basis. Restaurants experiencing lines or waits outside their doors should establish a safe means for customers to await entry, such as asking customers to remain in their car and notifying them via phone when they are able to enter the restaurant or demarking spots six (6) feet apart where customers can safely stand without congregating.
- Restaurants should close children's play areas.
- Restaurants should update floor plans for common dining areas, redesigning seating arrangement to maximize the ability to social distance to the greatest extent practicable.
- Restaurants should consider a reservations-only business model or call-ahead seating to better space households and individuals.
- Restaurants should ensure employees wear face masks for any interactions with customers, co-workers, or while in common travel areas of the business (e.g., aisles, hallways, loading docks, breakrooms, bathrooms, entries and exits). Restaurant employees are not required to wear face masks while alone in personal offices, while more than six (6) feet from any other individual, or if doing so would pose a serious threat to their health or safety.
- Restaurants should use disposable menus, napkins, table cloths, disposable utensils, and condiments to the greatest extent practicable. Restaurants are encouraged to use electronic menus.
- Linens, such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves, may still be utilized in dining establishments consistent with Food service regulations 4-801.11 and 4-802.11. Linens, cloth gloves, and cloth napkins are to be laundered between uses to prevent the transfer of pathogenic microorganisms between foods or to food-contact surfaces
- Restaurants should discontinue use of any self-service drink stations to the greatest extent practicable. Restaurants continuing self-service drink stations should remove any unwrapped or non-disposable items (e.g. straws or utensils), as well as fruit (e.g. lemons), sweeteners, creamers, and any condiment containers that are not in single- use, disposable packages.

Healthy at Work



- Restaurants should discontinue use of salad bars and other buffet style dining to the greatest extent practicable. If a restaurant cannot discontinue buffet style dining, the restaurant must ensure that employees provide buffet service. Restaurants should not permit customer self-service. Restaurants providing buffet service should ensure appropriate sneeze guards are in-place and that employees are equipped with gloves and other PPE as appropriate.
- Restaurants should ensure employees use digital files rather than paper formats (e.g., documentation, invoices, inspections, forms, agendas) to the greatest extent practicable.
- Restaurants should, to the greatest extent practicable, modify internal traffic flow to minimize contacts between employees and customers.
- Restaurants should, to the greatest extent practicable, demarcate six feet of distance between customers and employees except at the moment of payment and/or exchange of food and drink.
- Restaurants should implement contactless payment options, pickup, and delivery to the greatest extent practicable.
- Restaurants should ensure, to the greatest extent practicable, that any receipts can be completed electronically by using e-signature technology for signatures or by creating a procedure whereby restaurant employees can complete the receipt for the customer within the customer's view.
- Restaurants should reduce, to the greatest extent practicable, the number of employees and customers entering, exiting, or gathering at one time. One suggested method to accomplish this is by staggering the beginning and end times of employee shifts. In addition, for customers, one possible method to limit gathering is to allow only one individual or household unit to enter the restaurant at a time.
- Restaurants that require employees to operate equipment or vehicles must, to the greatest extent practicable, limit the number of employees riding in the vehicle together. If riding in separate vehicles is not practicable then employees should maximize social distancing and wear face masks in the vehicle. Thorough cleaning and disinfecting vehicles after each trip is required.
- Restaurants must restrict access to common areas, to the greatest extent practicable, in order to maximize social distancing and reduce congregating. These common areas include, but are not limited to, break rooms, waiting areas, and bars.
- Restaurants with warehouses and loading docks must ensure minimal interaction between drivers at loading docks, doorsteps, or other locations.

- Restaurants should, to the greatest extent practicable, limit the number of individuals in a restroom to ensure proper social distancing and ensure that frequently touched surfaces are appropriately disinfected (e.g., door knobs and handles).
- Restaurants should provide hand sanitizer, handwashing facilities, and tissues in convenient locations to the greatest extent practicable.
- Restaurants should prohibit gatherings or meetings of employees of ten (10) or more during work hours.
- Restaurants should discourage employees from sharing workstations or other work-related items and utensils, to the greatest extent practicable (e.g., ink pens and aprons).
- Restaurants should, to the greatest extent practicable, install floor decals in cashier and queuing areas to establish safe waiting distance.
- Restaurants should remind third-party delivery drivers and any suppliers of the social distancing requirements.
- Restaurants providing “grab and go” service should stock coolers to no more than minimum levels to prevent excess touching of items.

Cleaning and Disinfecting Requirements

- Restaurants should ensure workstations and seating areas are properly cleaned and ventilated.
- Restaurants should encourage employees to frequently wash their hands or use hand sanitizer, which should be provided by the restaurant.
- Restaurants must ensure cleaning and sanitation of frequently touched surfaces with appropriate disinfectants. Areas with frequently touched surfaces or items, include all seating, table-tops, and other table-top items, door handles, phones, pens, and keypads. Appropriate disinfectants include EPA registered household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol. Restaurants must establish a cleaning and disinfecting process that follows CDC guidelines when any individual is identified, suspected, or confirmed COVID-19 case.
- Restaurants should ensure employees wipe their workstations/cash registers down with disinfectant at the end of their shift or at any time they discontinue use of their workstations/cash register for a significant period of time.
- Restaurants should ensure disinfecting wipes or other disinfectant are available near shared equipment (e.g. in kitchen, wait stations, and hostess stations).

- Restaurants should encourage customers to use hand sanitizer or wipes prior to dining in the restaurant and immediately following their meal.
- Restaurants should ensure employees do not use cleaning procedures that could re-aerosolize infectious particles. This includes, but is not limited to, avoiding practices such as dry sweeping or use of high-pressure streams of air, water, or cleaning chemicals.

Personal Protective Equipment (PPE) **Requirements**

- Restaurants must ensure appropriate face coverings and other personal protective equipment (PPE) is used by employees whenever they are near other employees or customers so long as such use does not jeopardize the employees' health or safety. Restaurants shall provide PPE at no cost to employees and should offer instruction on proper use of masks and PPE.
- Restaurants must require contractors, vendors, and drivers to wear face coverings or masks while at the location.
- Restaurants should establish a policy as to whether to serve customers who do not adhere to the business's policy on requiring masks while in common areas. While customers of course will have to remove their masks in order to eat and drink, restaurants may choose not to serve those customers who refuse to wear a mask while away from their booth/table (i.e. entering, exiting, going to the restroom) in order to protect their employees and other customers.
- Restaurants must train employees to properly dispose of or disinfect PPE, inspect PPE for damage, maintain PPE, and the limitations of PPE.
- Restaurants must ensure, to the greatest extent practicable, that employees use gloves, along with any PPE normally used for routine job tasks, when cleaning equipment, workspaces, and high-touch areas of the business.
- Restaurants must ensure employees wash their hands with soap and water and/or use hand sanitizer frequently after any direct contact with customers, and when engaging in high touch activities.
- Restaurants must ensure, to the greatest extent practicable, that employees wear protective face coverings during any delivery.

Training and Safety Requirements

- Restaurants must place conspicuous signage at entrances and throughout the restaurant alerting staff and customers to the required occupancy limits, six feet of physical distance, and policy on face coverings. Signage should inform employees and customers about good hygiene and new practices.
- Restaurants should establish procedures for disinfecting table tops, seating, and dining ware (plates, bowls, utensils).
- Restaurants should post signage on entrance door that no one with a fever or symptoms of COVID-19 is to be permitted in the restaurant.
- Restaurants should, to the greatest extent practicable, implement hours where service can be safely provided to customers at higher risk for severe illness per CDC guidelines. These guidelines are available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>
- Restaurants should ensure employees are informed that they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure at the workplace. All education and training must be communicated in the language best understood by the individual receiving the education and training.



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE SECRETARY**

Andy Beshear
Governor

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Eric C. Friedlander
Secretary

ORDER

May 22, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth due to the outbreak of COVID-19 virus, a public health emergency. Pursuant to the authority in KRS 194A.025, KRS 214.020, and Executive Orders 2020-215 and 2020-323, the Cabinet for Health and Family Services, Department for Public Health, hereby orders the following directives to reduce and slow the spread of COVID-19:

1. The March 16, 2020 Order of the Cabinet for Health and Family Services concerning restaurants (the “March 16 Food and Beverage Order”) and the March 17, 2020, Order of the Cabinet for Health and Family Services concerning public-facing businesses (the “March 17 Public-Facing Businesses Order”) are hereby amended as follows.
2. Effective May 22, 2020, the March 16, 2020 Food and Beverage Order no longer prohibits restaurants holding a food service permit in good standing and having table seating from providing food and beverage sales for onsite consumption. Restaurants must, in addition to the minimum requirements for all entities in the Commonwealth of Kentucky attached to and incorporated by reference in the May 11, 2020 Order of the Cabinet, implement and follow the Requirements for Restaurants, which are attached hereto and incorporated by reference herein. The Requirements for Restaurants and the minimum requirements are available online at: <https://healthyatwork.ky.gov>.
3. For the purposes of this Order, a restaurant is an entity that stores, prepares, serves, vends food directly to the consumer or otherwise provides food for human consumption, and must hold a food service permit in good standing and have table seating. The March 16, 2020 Food and Beverage Order remains in effect for establishments that are not restaurants.

4. Food service in health care facilities and any congregate living facilities, such as long-term care facilities as defined by KRS 216.510 and similar locations, remain exempt from the requirements of this Order and the March 16, 2020 Food and Beverage Order.

5. Liquor, beer and wine sales in the Commonwealth of Kentucky at establishments that are not restaurants remain restricted to carry-out, delivery and drive-thru services only, to the extent permitted by law. Onsite consumption remains prohibited at establishments that are not restaurants.

6. Establishments and public-facing businesses that encourage public congregation or that, by the nature of the service to the public, cannot comply with CDC guidelines concerning social distancing, ordered to cease all in-person operations under the March 17 Public-Facing Businesses Order shall continue to cease all in-person operations unless otherwise provided in this Order.

7. Effective May 25, 2020, the March 17, 2020 Public-Facing Businesses Order shall no longer apply to the following businesses or entities: (1) Cosmetology businesses; (2) Hair salons and barbershops; (3) Massage therapy businesses; (4) Nail salons; (5) Tanning salons; and (6) Tattoo parlors. The businesses or entities identified in this paragraph must, in addition to the minimum requirements for all entities in the Commonwealth of Kentucky attached to and incorporated by reference in the May 11, 2020 Order of the Cabinet, implement and follow the specific Requirements for each respective business or entity, which are attached hereto and fully incorporated by reference herein. The specific Requirements for each business identified in this paragraph and the minimum requirements for all entities are available online at: <https://healthyatwork.ky.gov>.

8. The March 17, 2020 Public-Facing Businesses Order otherwise remains in effect unless amended herein.

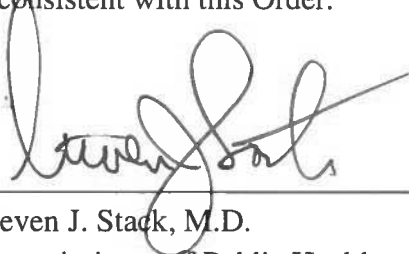
9. For the avoidance of doubt, all public facing-businesses permitted to operate must to the extent practicable implement Centers for Disease Control guidance, including:

- maintaining a distance of 6 feet between persons;
- ensuring employees practice appropriate hygiene measures, including regular, thorough handwashing;
- ensuring that employees who are sick remain home; and
- regularly cleaning and disinfecting frequently touched objects and surfaces.

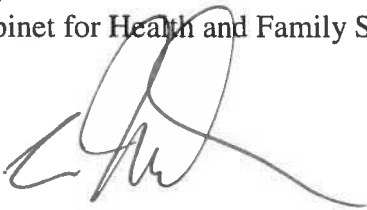
10. Failure to follow the requirements provided in this Order and any other Executive Order and any Cabinet Order, including but not limited to the Orders of the Cabinet for Health and Family Services, is a violation of the Orders issued under KRS Chapter 39A, and could subject businesses to closure or additional penalties as authorized by law.

11. The Department for Public Health hereby delegates to local health departments the authority to take all necessary measures to implement this Order.

The Secretary for the Cabinet for Health and Family Services has been designated by the Governor to deliver these directives during this public health emergency. The Cabinet for Health and Family Services will continue to provide information and updates during the duration of this Public Health Emergency. Prior orders of the Cabinet for Health and Family Services remain in effect unless inconsistent with this Order.



Steven J. Stack, M.D.
Commissioner of Public Health
Department for Public Health
Cabinet for Health and Family Services



Eric Friedlander
Secretary
Governor's Designee

Requirements for Tattoo Parlors

In addition to the Healthy at Work Minimum Requirements, tattoo parlors must meet the requirements below in order to reopen and remain open:

Social Distancing Requirements

- Tattoo parlors must limit the number of clients present in any given parlor to 33% of the occupational capacity of the facility. Employees are excluded from this 33% maximum.
- Tattoo parlors should provide services and conduct business via phone or Internet to the greatest extent practicable. Any employees who are currently able to perform their job duties via telework (e.g., accounting staff) should continue to telework.
- Tattoo parlors should eliminate the use of any waiting areas, provide services by appointment only and communicate by phone or text when the client may enter the salon. Tattoo parlors must ensure clients do not congregate in the parlor before or after their appointment.
- Tattoo parlors should, to the greatest extent practicable, modify traffic flow to minimize contacts between employees and clients.
- Tattoo parlors should not allow additional persons to accompany any customer undergoing the procedure.
- Tattoo parlors should ensure employees use digital files rather than paper formats (e.g., documentation, invoices, inspections, forms, agendas) to the greatest extent practicable.
- Tattoo parlors should establish controls, to the greatest extent practicable, when six (6) feet of physical distancing is not feasible. This includes, for example, installation of portable or permanent non-porous physical barriers (e.g., plexiglass shields) between work stations.
- Tattoo parlors should communicate with clients and receive payments through contactless payment options (e.g., phone or Internet), to the greatest extent practicable. For those tattoo parlors that cannot utilize contactless payments, the business should install floor or wall decals for cashier queuing areas to demark safe waiting distances of a six (6) feet minimums.
- Tattoo parlors should ensure, to the greatest extent practicable, that any paperwork can be completed electronically by using e-signature technology for signatures.

- Tattoo parlor business should reduce, to the greatest extent practicable, the number employees and clients entering, exiting, or gathering at one time.
- Tattoo parlors should prohibit gatherings or meetings of employees of more than ten (10) during work hours, permit employees to take breaks and lunch outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable.
- Tattoo parlors should discourage employees from sharing phones, desks, workstations, handhelds/wearables, or other work tools and equipment to the greatest extent practicable
- Tattoo parlors should discourage customers from handling jewelry to the greatest extent practicable. If handling jewelry is unavoidable, tattoo parlors should provide customers with disposable gloves to handle jewelry. Jewelry should be sanitized after touching/use.
- Tattoo parlors should discontinue nasal and oral procedures.

Cleaning and Disinfecting Requirements

- Tattoo parlors should ensure that their facilities, including workstations, common areas, breakrooms and restrooms and are properly cleaned and ventilated.
Tattoo parlors should ensure new customer are given the opportunity to perform hand hygiene prior to receiving service.
- Tattoo parlors must ensure tools are cleaned and disinfected after each use with appropriate germicide solutions.
- Tattoo parlors should provide hand sanitizer, handwashing facilities, and tissues in convenient locations to the greatest extent practicable.
- Tattoo parlors must ensure employees properly wash their hands before providing service to each new client.
- Tattoo parlors must encourage clients to properly wash their hands prior to receiving service. If clients refuse to properly wash their hands prior to service, the business may refuse to provide service.
- Tattoo parlors must establish a policy as to whether to serve clients who do not adhere to the business's policy on requiring hand washing.
- Tattoo parlors making restrooms available must ensure restrooms frequently touched surfaces are appropriately disinfected after each use (e.g. door knobs and handles).
- Tattoo parlors should ensure disinfecting wipes or other disinfectant are available at shared equipment.

- Tattoo parlors should ensure, to the greatest extent practicable, that all implements that make contact with customers are pre-sanitized, disposable, single-use items (e.g. stencils, markers, needles, and tubes).
- Tattoo parlors should ensure all wipes, bandages, or other implements are bagged and appropriately disposed of.
- Tattoo parlors should ensure that employees have access to appropriate disposal equipment (e.g. hazardous waste bins) to ensure implements are appropriately disposed of.
- Tattoo parlors must ensure cleaning and sanitation of frequently touched surfaces with appropriate disinfectants. Areas with frequently touched surfaces include fitting rooms, doors, PIN pads, and common areas. Appropriate disinfectants include EPA registered household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol.
- Tattoo parlors must establish a cleaning and disinfecting process that follows CDC guidelines when any individual is identified, suspected, or confirmed COVID-19 case.
- Tattoo parlors should ensure employees wipe their workstations and/or cash registers down with disinfectant at the end of their shift or at any time they discontinue use of their workstations and/or cash registers for a significant period of time.
- Tattoo parlors should ensure employees do not use cleaning procedures that could re-aerosolize infectious particles. This includes, but is not limited to, avoiding practices such as dry sweeping or use of high-pressure streams of air, water, or cleaning chemicals.
- Tattoo parlors should disallow clients from any direct use of retail items or products prior to sale.
- Tattoo parlors should encourage clients to touch only those retail items or products they intend to buy.
- Tattoo parlors should ensure any retail items or products that are touched by clients but not purchased are set aside and cleaned in accordance with CDC guidelines.

Personal Protective Equipment (PPE) Requirements

- Tattoo parlors must ensure appropriate face coverings and other personal protective equipment (PPE) is used by employees so long as such use does not jeopardize the

employees' health or safety. This includes use of face shields to the greatest extent practicable during body art procedures.

- Tattoo parlors must ensure their employees wear face masks for any interactions between clients and co-workers or while in common travel areas of the business (e.g., aisles, hallways, stock rooms, breakrooms, bathrooms, entries and exits). Employees are not required to wear face masks while alone in personal offices, more than six (6) feet away from any other person, or if doing so would pose a serious threat to their health or safety.
- Tattoo parlors should ensure clients and other visitors (e.g., suppliers and vendors) wear face masks while in the tattoo parlor. Tattoo parlors should make masks available for clients; however, clients may bring and utilize their own face mask if they wish. If clients, suppliers or vendors refuse to wear masks, the tattoo parlor business may refuse those individuals entrance to the parlor..
- Tattoo parlors must establish a policy as to whether to serve clients who do not adhere to the business's policy on requiring masks.
- Tattoo parlors must ensure employees use gloves, along with any PPE normally used for routine job tasks (e.g. body art procedures), when cleaning equipment, workspaces, and high-touch areas of the business.
- Tattoo parlors must ensure gloves are available to employees engaging in high-touch activity to the greatest extent practicable provided that they do not create additional hazards while being worn.
- Tattoo parlors must ensure employees wear gloves while handling products during shipping and receiving.

Training and Safety Requirements

- Tattoo parlor business must train employees to properly dispose of or disinfect PPE, inspect PPE for damage, maintain PPE, and the limitations of PPE.
- Tattoo parlors must train employees to use PPE. This training includes: when to use PPE; what PPE is necessary; and how to properly put on, use, and remove PPE.
- Tattoo parlors must place conspicuous signage at entrances and throughout the store alerting staff and customers to the required occupancy limits, six feet of physical distance, and policy on face coverings. Signage should inform employees and clients about good hygiene and new practices.
- Tattoo parlors should, to the greatest extent practicable, implement hours where service can be safely provided to clients at higher risk for severe illness per CDC guidelines. These

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TEAM
KENTUCKY

guidelines are available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>

- Tattoo parlors must ensure employees are informed that they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure at the workplace. All education and training must be communicated in the language best understood by the individual receiving the education and training.

Requirements for Tanning Salon Businesses

In addition to the Healthy at Work Minimum Requirements, tanning salon businesses must meet the requirements below in order to reopen and remain open:

Social Distancing Requirements

- Tanning salon businesses must limit the number of clients present in any given tanning salon business to 33% of the occupational capacity of the facility. Employees are excluded from this 33% maximum.
- Tanning salon businesses should not allow additional persons to accompany any customer into the business.
- Tanning salon businesses should provide services and conduct business via phone or Internet to the greatest extent practicable. Any employees who are currently able to perform their job duties via telework (e.g., accounting staff) should continue to telework.
- Tanning salon businesses must eliminate the use of any waiting areas, provide services by appointment only and communicate by phone or text when the client may enter the salon. Tanning salon businesses must ensure clients do not congregate in the salon before or after their appointment.
- Tanning salon businesses should, to the greatest extent practicable, modify traffic flow to minimize contacts between employees and clients.
- Tanning salon businesses should ensure employees use digital files rather than paper formats (e.g., documentation, invoices, inspections, forms, agendas) to the greatest extent practicable.
- Tanning salon businesses must establish controls, when six (6) feet of physical distancing is not feasible. This includes, for example, installation of portable or permanent non-porous physical barriers (e.g., plexiglass shields) between work stations.
- Tanning salon businesses should communicate with clients and receive payments through contactless payment options (e.g., phone or Internet), to the greatest extent practicable. For those tanning salon businesses that cannot utilize contactless payments, the business should install floor or wall decals for cashier queuing areas to demark safe waiting distances of a six (6) feet minimums.

- Tanning salon businesses should ensure, to the greatest extent practicable, that any paperwork can be completed electronically by using DocuSign or other e-signature technology for signatures.
- Tanning salon business must reduce, to the greatest extent practicable, the number of employees and clients entering, exiting, or gathering at one time.
- Tanning salon businesses should prohibit gatherings or meetings of employees of ten (10) or more during work hours, permit employees to take breaks and lunch outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable.
- Tanning salon businesses should discourage employees from sharing phones, desks, workstations, handhelds/wearables, or other work tools and equipment to the greatest extent practicable.

Cleaning and Disinfecting Requirements

- Tanning salon businesses should ensure that their facilities, including workstations, common areas, breakrooms and restrooms and are properly cleaned and ventilated.
- Tanning salon businesses must ensure tanning beds and spray tan areas and equipment are cleaned and appropriately sanitized after each use in accordance with CDC guidelines.
- Tanning salon businesses should provide hand sanitizer, handwashing facilities, and tissues in convenient locations to the greatest extent practicable.
- Tanning salon businesses must ensure employees properly wash their hands before providing service to each new client.
- Tanning salon businesses must encourage clients to properly wash their hands prior to tanning services being provided. If clients refuse to properly wash their hands prior to service, the business may refuse to provide tanning service and access to the facility.
- Tanning salon businesses must establish a policy as to whether to serve clients who do not adhere to the business's policy on handwashing.
- Tanning salon businesses making restrooms available must ensure restrooms frequently touched surfaces are appropriately disinfected after each use (e.g. door knobs and handles).
- Tanning salon businesses should ensure disinfecting wipes or other disinfectant are available at shared equipment.
- Tanning salon businesses must ensure cleaning and sanitation of frequently touched surfaces with appropriate disinfectants. Areas with frequently touched surfaces include

fitting rooms, doors, PIN pads, and common areas. Appropriate disinfectants include EPA registered household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol.

- Tanning salon businesses must establish a cleaning and disinfecting process that follows CDC guidelines when any individual is identified, suspected, or confirmed COVID-19 case.
- Tanning salon businesses should ensure employees wipe their workstations and/or cash registers down with disinfectant at the end of their shift or at any time they discontinue use of their workstations and/or cash registers for a significant period of time.
- Tanning salon businesses should ensure employees do not use cleaning procedures that could re-aerosolize infectious particles. This includes, but is not limited to, avoiding practices such as dry sweeping or use of high-pressure streams of air, water, or cleaning chemicals.
- Tanning salon businesses should disallow clients from any direct use of retail items or products prior to sale.
- Tanning salon businesses should encourage clients to touch only those retail items or products they intend to buy.
- Tanning salon businesses should ensure any retail items or products that are touched by clients but not purchased are set aside and are appropriately sanitized prior to returning to sales shelves in accordance with CDC guidelines.

Personal Protective Equipment (PPE) Requirements

- Tanning salon businesses must ensure appropriate face coverings and other personal protective equipment (PPE) is used by employees so long as such use does not jeopardize the employees' health or safety.
- Tanning salon businesses must ensure their employees wear face masks for any interactions between clients and co-workers or while in common travel areas of the business (e.g., aisles, hallways, stock rooms, breakrooms, bathrooms, entries and exits). Employees are not required to wear face masks while alone in personal offices or if doing so would pose a serious threat to their health or safety.
- Tanning salon businesses should ensure clients and other visitors (e.g., suppliers and vendors) wear face masks while in the tanning salon. Tanning salon businesses should make masks available for clients, however clients may bring and use their own face masks. If clients, suppliers or vendors refuse to wear masks the tanning salon business may refuse those individuals entrance to the tanning salon facility.

- Tanning salon businesses must establish a policy as to whether to serve clients who do not adhere to the business's policy on requiring masks.
- Tanning salon businesses must ensure employees use gloves, along with any PPE normally used for routine job tasks, when cleaning equipment, workspaces, and high-touch areas of the business.
- Tanning salon businesses must ensure gloves are available to employees engaging in high-touch activity to the greatest extent practicable provided that they do not create additional hazards while being worn.
- Tanning salon businesses must ensure employees wear gloves while handling products during shipping and receiving.

Training and Safety Requirements

- Tanning salon business must train employees to properly dispose of or disinfect PPE, inspect PPE for damage, maintain PPE, and the limitations of PPE.
- Tanning salon businesses must train employees to use PPE. This training includes: when to use PPE; what PPE is necessary; and how to properly put on, use, and remove PPE.
- Tanning salon businesses must place conspicuous signage at entrances and throughout the store alerting staff and customers to the required occupancy limits, six feet of physical distance, and policy on face coverings. Signage should inform employees and clients about good hygiene and new practices.
- Tanning salon businesses should, to the greatest extent practicable, implement hours where service can be safely provided to clients at higher risk for severe illness per CDC guidelines. These guidelines are available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>
- Tanning salon businesses must ensure employees are informed that they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure at the workplace. All education and training must be communicated in the language best understood by the individual receiving the education and training.

Requirements for Nail Salon Businesses

In addition to the Healthy at Work Minimum Requirements, **nail salon businesses** must meet the requirements below in order to reopen and remain open:

Social Distancing Requirements

- Nail salon businesses must limit the number of clients present in any given nail salon business to 33% of the occupational capacity of the facility. Employees are excluded from this 33% maximum.
- Nail salon businesses should not allow additional persons to accompany any customer into the business.
- Nail salon businesses should provide services and conduct business via phone or Internet to the greatest extent practicable. Any employees who are currently able to perform their job duties via telework (e.g., accounting staff) should continue to telework.
- Nail salon businesses must eliminate the use of any waiting areas, provide services by appointment only and communicate by phone or text when the client may enter the salon. Nail salon businesses must ensure clients do not congregate in the salon before or after their appointment.
- Nail salon businesses should, to the greatest extent practicable, modify traffic flow to minimize contacts between employees and clients.
- Nail salon businesses should ensure employees use digital files rather than paper formats (e.g., documentation, invoices, inspections, forms, agendas) to the greatest extent practicable.
- Nail salon businesses must establish controls, when six (6) feet of physical distancing between employees is not feasible. This includes, for example, installation of portable or permanent non-porous physical barriers (e.g., plexiglass shields) between work stations.
- Nail salon businesses should communicate with clients and receive payments through contactless payment options (e.g., phone or Internet), to the greatest extent practicable. For those nail salon businesses that cannot utilize contactless payments, the business should install floor or wall decals for cashier queuing areas to demark safe waiting distances of a six (6) feet minimums.
- Nail salon businesses should ensure, to the greatest extent practicable, that any paperwork can be completed electronically by using Docusign or other e-signature technology for signatures.

- Nail salon business must reduce, to the greatest extent practicable, the number of employees and clients entering, exiting, or gathering at one time.
- Nail salon businesses should prohibit gatherings or meetings of employees of ten (10) or more during work hours, permit employees to take breaks and lunch outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable.
- Nail salon businesses should discourage employees from sharing phones, desks, workstations, handhelds/wearables, or other work tools and equipment to the greatest extent practicable.

Cleaning and Disinfecting Requirements

- Nail salon businesses should ensure that their facilities, including workstations, common areas, breakrooms and restrooms and are properly cleaned and ventilated.
- Nail salon businesses must ensure tools (e.g., nail clippers, files, or brushes) are cleaned and disinfected after each use with appropriate germicide solutions.
- Nail salon businesses should provide hand sanitizer, handwashing facilities, and tissues in convenient locations to the greatest extent practicable.
- Nail salon businesses must ensure employees properly wash their hands before providing service to each new client.
- Nail salon businesses must encourage clients to properly wash their hands prior to nail services being provided. If clients refuse to properly wash their hands prior to service the business may refuse to provide nail service and access to the facility.
- Nail salon businesses should not serve clients who do not adhere to the business's policy on requiring hand washing.
- Nail salon businesses making restrooms available must ensure restrooms frequently touched surfaces are appropriately disinfected after each use (e.g. door knobs and handles).
- Nail salon businesses should ensure disinfecting wipes or other disinfectant are available at shared equipment.
- Nail salon businesses must ensure cleaning and sanitation of frequently touched surfaces with appropriate disinfectants. Areas with frequently touched surfaces include fitting rooms, doors, PIN pads, and common areas. Appropriate disinfectants include EPA registered household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol.

- Nail salon businesses must establish a cleaning and disinfecting process that follows CDC guidelines when any individual is identified, suspected, or confirmed COVID-19 case.
- Nail salon businesses should ensure employees wipe their workstations and/or cash registers down with disinfectant at the end of their shift or at any time they discontinue use of their workstations and/or cash registers for a significant period of time.
- Nail salon businesses should ensure employees do not use cleaning procedures that could re-aerosolize infectious particles. This includes, but is not limited to, avoiding practices such as dry sweeping or use of high-pressure streams of air, water, or cleaning chemicals.
- Nail salon businesses should disallow clients from any direct use of retail items or products prior to sale.
- Nail salon businesses should encourage clients to touch only those retail items or products they intend to buy.
- Nail salon businesses should ensure any retail items or products that are touched by clients but not purchased are set aside and are appropriately sanitized prior to returning to sales shelves in accordance with CDC guidelines.

Personal Protective Equipment (PPE) Requirements

- Nail salon businesses must ensure appropriate face coverings and other personal protective equipment (PPE) is used by employees so long as such use does not jeopardize the employees' health or safety.
- Nail salon businesses must ensure their employees wear face masks for any interactions between clients and co-workers or while in common travel areas of the business (e.g., aisles, hallways, stock rooms, breakrooms, bathrooms, entries and exits). Employees are not required to wear face masks while alone in personal offices or if doing so would pose a serious threat to their health or safety.
- Nail salon businesses should ensure clients and other visitors (e.g., suppliers and vendors) wear face masks while in the nail salon. Nail salon businesses should make masks available for clients, however clients may bring and use their own face masks. If clients, suppliers or vendors refuse to wear masks the nail salon business may refuse those individuals entrance to the nail salon facility.
- Nail salon businesses should establish a policy as to whether to serve clients who do not adhere to the business's policy on requiring masks.

- Nail salon businesses must ensure employees use gloves, along with any PPE normally used for routine job tasks, when cleaning equipment, workspaces, and high-touch areas of the business.
- Nail salon businesses must ensure gloves are available to employees engaging in high-touch activity to the greatest extent practicable provided that they do not create additional hazards while being worn.
- Nail salon businesses must ensure employees wear gloves while handling products during shipping and receiving.

Training and Safety Requirements

- Nail salon business must train employees to properly dispose of or disinfect PPE, inspect PPE for damage, maintain PPE, and the limitations of PPE.
- Nail salon businesses must train employees to use PPE. This training includes: when to use PPE; what PPE is necessary; and how to properly put on, use, and remove PPE.
- Nail salon businesses must place conspicuous signage at entrances and throughout the store alerting staff and customers to the required occupancy limits, six feet of physical distance, and policy on face coverings. Signage should inform employees and clients about good hygiene and new practices.
- Nail salon businesses should, to the greatest extent practicable, implement hours where service can be safely provided to clients at higher risk for severe illness per CDC guidelines. These guidelines are available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>
- Nail salon businesses must ensure employees are informed that they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure at the workplace. All education and training must be communicated in the language best understood by the individual receiving the education and training.

Requirements for Massage Therapy

In addition to the Healthy at Work Minimum Requirements, **massage therapy** must meet the requirements below in order to reopen and remain open:

Social Distancing Requirements

- Massage therapy businesses must limit the number of clients present to 33% of the occupational capacity of the facility. Employees are excluded from this 33% maximum.
- Massage therapy businesses should provide services and conduct business via phone or Internet to the greatest extent practicable. Any employees who are currently able to perform their job duties via telework (e.g., accounting staff) should continue to telework.
- Massage therapy businesses should eliminate the use of any waiting areas, provide services by appointment only, and communicate when the client may enter the premises by phone or text. Massage therapy businesses must ensure clients do not congregate before or after their appointment.
- Massage therapy businesses should, to the greatest extent practicable, modify traffic flow to minimize contacts between employees and clients.
- Massage therapy businesses should ensure employees use digital files rather than paper formats (e.g., documentation, invoices, inspections, forms, agendas) to the greatest extent practicable.
- Massage therapy businesses should communicate with clients and receive payments through contactless payment options (e.g., phone or Internet), to the greatest extent practicable. For those massage therapy businesses that cannot use contactless payments, the business should install floor or wall decals for cashier queuing areas to demark safe waiting distances six (6) feet apart.
- Massage therapy businesses should ensure, to the greatest extent practicable, that any paperwork can be completed electronically by using e-signature technology for signatures.
- Massage therapy businesses should reduce, to the greatest extent practicable, the number of employees and clients entering, exiting, or gathering at one time.
- Massage therapy businesses should prohibit gatherings or meetings of employees of ten (10) or more during work hours, permit employees to take breaks and lunch outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable.

- Massage therapy businesses should discourage employees from sharing phones, desks, workstations, handhelds/wearables, or other work tools and equipment to the greatest extent practicable.
- Given the close personal interaction inherent in massage, massage therapy businesses should consider screening potential clients over the phone to ensure they are not currently experiencing any symptoms of COVID-19. Massage therapy businesses also may take temperatures of clients upon entry. Massage therapy businesses may refuse service to someone who is exhibiting COVID-19 symptoms.

Cleaning and Disinfecting Requirements

- Massage therapy businesses should ensure that their facilities, including workstations, common areas, breakrooms and restrooms and are properly cleaned and ventilated.
- Massage therapy businesses must ensure that massage tables are sanitized and that linens and hydrocollator pack covers are replaced after each client.
- Massage therapy businesses should provide hand sanitizer, handwashing facilities, and tissues in convenient locations to the greatest extent practicable.
- Massage therapy businesses must ensure employees properly wash their hands before and after providing service to each new client.
- Massage therapy businesses should consider revising appointment scheduling to leave a minimum of 15-30 minutes between clients to ensure proper sanitizing of the space and avoid client overlap.
- Massage therapy businesses making restrooms available must ensure restrooms frequently touched surfaces are appropriately disinfected on a regular basis (e.g., door knobs and handles).
- Massage therapy businesses should ensure disinfecting wipes or other disinfectant are available at shared equipment.
- Massage therapy businesses must ensure cleaning and sanitation of frequently touched surfaces with appropriate disinfectants. Areas with frequently touched surfaces include changing rooms, doors, and waiting areas. Appropriate disinfectants include EPA registered household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol.
- Massage therapy businesses should ensure that lotion/lubricant bottles are disinfected before and after each client or should consider using disposable lotion/lubricant packets.

- Massage therapy businesses must establish a cleaning and disinfecting process that follows CDC guidelines when any individual is identified, suspected, or confirmed as a COVID-19 case.
- Massage therapy businesses should ensure employees wipe their workstations and/or cash registers down with disinfectant at the end of their shift or at any time they discontinue use of their workstations and/or cash registers for a significant period of time.
- Massage therapy businesses should ensure employees do not use cleaning procedures that could re-aerosolize infectious particles. This includes, but is not limited to, avoiding practices such as dry sweeping or use of high-pressure streams of air, water, or cleaning chemicals.
- Massage therapy businesses should disallow clients from any direct use of retail items or products prior to sale.
- Massage therapy businesses should encourage clients to touch only those retail items or products they intend to buy.
- Massage therapy businesses should ensure any retail items or products that are touched by clients but not purchased are set aside and cleaned using steam or other appropriate cleaning measures prior to returning to sales shelves.

Personal Protective Equipment (PPE) Requirements

- Massage therapy businesses must ensure their employees wear face masks for any interactions between clients and co-workers or while in common travel areas of the business (e.g., aisles, hallways, stock rooms, breakrooms, bathrooms, entries and exits). Employees are not required to wear face masks while alone in personal offices, more than six (6) feet away from anyone else, or if doing so would pose a serious threat to their health or safety.
- Massage therapy businesses should consider lining tables, table warmers, bolsters, face, cradles, and pillows with non-permeable barriers, such as vinyl mattress pad covers.
- Massage therapy businesses should apply a washable face-cradle cover to the face cradle, and consider topping it with a pillowcase, leaving a pocket underneath that could catch client aerosols when they are prone.
- Massage therapy businesses should ensure clients and other visitors (e.g., suppliers and vendors) wear face masks while on the premises unless doing so would present a serious risk to their health or safety or they will remain more than six (6) feet away from anyone else at all times. Massage therapy businesses should make masks available for clients; however, clients may bring and utilize their own face mask if they wish. Massage therapy businesses should consider asking clients to keep the mask on at all times other than while

in the prone position on the table. If clients, suppliers or vendors refuse to wear masks, the massage therapy business may, at their discretion, refuse those individuals entrance.

- Massage therapy businesses should establish a policy as to whether to serve clients who do not adhere to the business's policy to comply with CDC guidelines.
- Massage therapy businesses must require employees to wear gloves anytime they are touching a client's face and the gloves must be immediately removed or replaced after they are no longer touching the client's face. Massage therapy businesses may require employees to wear gloves in other instances, but gloves are not required provided the massage therapist refrains from touching their own face while massaging the client and thoroughly washes their hands for at least twenty (20) seconds per CDC guidelines before and after touching each client.

Training and Safety Requirements

- Massage therapy businesses must train employees to properly dispose of or disinfect PPE, inspect PPE for damage, maintain PPE, and the limitations of PPE.
- Massage therapy businesses must train employees to use PPE. This training includes: when to use PPE; what PPE is necessary; and how to properly put on, use, and remove PPE.
- Massage therapy businesses must place conspicuous signage at entrances and throughout the store alerting staff and customers to the required occupancy limits, six feet of physical distance, and policy on face coverings. Signage should inform employees and clients about good hygiene and new practices.
- Massage therapy businesses should, to the greatest extent practicable, implement hours where service can be safely provided to clients at higher risk for severe illness per CDC guidelines. These guidelines are available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>
- Massage therapy businesses must ensure employees are informed that they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure at the workplace. All education and training must be communicated in the language best understood by the individual receiving the education and training.

Requirements for Barbers/Cosmetologists/Hair Salons

In addition to the Healthy at Work Minimum Requirements, **barbers/cosmetologists/hair salons** must meet the requirements below in order to reopen and remain open:

Social Distancing Requirements

- Barbers/cosmetologists/hair salons must limit the number of clients present in any given business to 33% of the occupational capacity of the facility. Employees are excluded from this 33% maximum.
- Barbers/cosmetologists/hair salons must provide services and conduct business via phone or Internet to the greatest extent practicable. Any employees who are currently able to perform their job duties via telework (e.g., accounting staff) must continue to telework.
- Barbers/cosmetologists/hair salons must eliminate the use of any waiting areas, provide services by appointment only and communicate by phone or text when the client may enter the shop/salon. Clients may wait outside in their cars or wait to arrive until informed that their appointment is beginning. Barbers/cosmetologists/hair salons must ensure clients do not congregate in the shop/salon before or after their appointment.
- Barbers/cosmetologists/hair salons must ensure that customers are separated by at least six (6) feet from each other while receiving service unless separated by a wall or other non-porous physical barrier.
- Barbers/cosmetologists/hair salons must establish controls, to the greatest extent practicable, when six (6) feet of physical distancing between customers is not feasible. This includes, for example, installation of portable or permanent non-porous physical barriers (e.g., plexiglass shields) between work stations.
- While it will not be possible for barbers/cosmetologists to remain six (6) feet away from the customers they are serving at all times, they must maintain that distance at all times from other employees and customers to the greatest extent practicable.
- Barbers/cosmetologists/hair salons must, to the greatest extent practicable, modify traffic flow to minimize contacts between clients and employees.
- Barbers/cosmetologists/hair salons must not allow additional persons to accompany any customer unless that customer is a dependent and requires additional assistance or oversight.

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- Barbers/cosmetologists/hair salons must ensure employees use digital files rather than paper formats (e.g., documentation, invoices, inspections, forms, agendas) to the greatest extent practicable.
- Barbers/cosmetologists/hair salons must communicate with clients and receive payments through contactless payment options (e.g., phone or Internet) to the greatest extent practicable. For those barbers/cosmetologists/hair salons that cannot use contactless payments, the business must install floor or wall decals for cashier queuing areas to demark safe waiting distances of six (6) feet.
- Barbers/cosmetologists/hair salons must ensure, to the greatest extent practicable, that any paperwork can be completed electronically by using e-signature technology for signatures.
- Barbers/cosmetologists/hair salons must reduce, to the greatest extent practicable, the number of employees and clients entering, exiting, or gathering at one time.
- Barbers/cosmetologists/hair salons must prohibit gatherings or meetings of employees of ten (10) or more during work hours, permit employees to take breaks and lunch outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable.
- Barbers/cosmetologists/hair salons must discourage employees from sharing phones, desks, workstations, handhelds/wearables, or other work tools and equipment to the greatest extent practicable.
- Given the close personal interaction inherent in haircare and cosmetology, barbers/cosmetologists/hair salons should consider screening potential clients over the phone to ensure they are not currently experiencing any symptoms of COVID-19. An example of this screening is available in the Minimum Requirements document. Barbers/cosmetologists/hair salons may also take temperatures of clients upon entry. Barbers/cosmetologists/hair salons may refuse service to someone who is exhibiting COVID-19 symptoms.

Cleaning and Disinfecting Requirements

- Barbers/cosmetologists/hair salons must ensure that their facilities, including workstations, common areas, breakrooms and restrooms and are properly cleaned and ventilated.
- Barbers/cosmetologists/hair salons must ensure tools are cleaned and disinfected after each use with appropriate germicide solutions.
- Barbers/cosmetologists/hair salons must provide either a freshly laundered cape or an unused disposable cape for each client.

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- Barbers/cosmetologists/hair salons must provide hand sanitizer, handwashing facilities, and tissues in convenient locations to the greatest extent practicable.
- Barbers/cosmetologists/hair salons must ensure employees properly wash their hands before and after providing service to each client.
- Barbers/cosmetologists/hair salons making restrooms available must ensure restrooms frequently touched surfaces are appropriately disinfected regularly (e.g. door knobs and handles).
- Barbers/cosmetologists/hair salons must ensure disinfecting wipes or other disinfectant are available at shared equipment.
- Barbers/cosmetologists/hair salons must eliminate the use of shared magazines or other shared reading material for clients.
- Barbers/cosmetologists/hair salons must ensure cleaning and sanitation of frequently touched surfaces with appropriate disinfectants. Areas with frequently touched surfaces include chairs, doors, color mixing areas, shampoo rooms, PIN pads, and tables. Appropriate disinfectants include EPA registered household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol.
- Barbers/cosmetologists/hair salons must establish a cleaning and disinfecting process that follows CDC guidelines when any individual is identified, suspected, or confirmed COVID-19 case.
- Barbers/cosmetologists/hair salons must ensure employees sanitize their chairs and sinks (if used) between each client. Employees must also wipe their workstations and/or cash registers down with disinfectant at the end of their shift or at any time they discontinue use of their workstations and/or cash registers for a significant period of time.
- Barbers/cosmetologists/hair salons must disallow clients from any direct use of retail items or products prior to sale.
- Barbers/cosmetologists/hair salons must encourage clients to touch only those retail items or products they intend to buy.
- Barbers/cosmetologists/hair salons must ensure any retail items or products that are touched by clients but not purchased are set aside and cleaned in accordance with CDC guidelines.

Personal Protective Equipment (PPE) Requirements

- Barbers/cosmetologists/hair salons must ensure appropriate face coverings and other personal protective equipment (PPE) is used by employees so long as such use does not jeopardize the employees' health or safety.
- Barbers/cosmetologists/hair salons must ensure their employees wear face masks for any interactions between clients and co-workers or while in common travel areas of the business (e.g., aisles, hallways, stock rooms, breakrooms, bathrooms, entries and exits). Employees are not required to wear face masks while alone in personal offices, more than six (6) feet away from anyone else, or if doing so would pose a serious threat to their health or safety.
- Barbers/cosmetologists/hair salons must ensure clients and other visitors (e.g., suppliers and vendors) wear face masks while on the premises. Barbers/cosmetologists/hair salons must make masks available for clients; however, clients may bring and use their own face mask. If clients, suppliers or vendors refuse to wear masks the barbershop/salon may refuse those individuals entrance to the facility.
- Barbers/cosmetologists/hair salons must establish a policy as to whether to serve clients who do not adhere to the business's policy on requiring masks.
- Barbers/cosmetologists/hair salons must ensure employees use gloves, along with any PPE normally used for routine job tasks, when cleaning equipment, workspaces, and high-touch areas of the business.
- Barbers/cosmetologists/hair salons must ensure gloves are available to employees engaging in high-touch activity to the greatest extent practicable provided that they do not create additional hazards while being worn.
- Barbers/cosmetologists/hair salons must ensure that employees wear gloves anytime they are touching the client's face and that the gloves are replaced after each use.
- Barbers/cosmetologists/hair salons must ensure employees wear gloves while handling products during shipping and receiving.

Training and Safety Requirements

- Barbers/cosmetologists/hair salons must train employees to properly dispose of or disinfect PPE, inspect PPE for damage, maintain PPE, and the limitations of PPE.
- Barbers/cosmetologists/hair salons must train employees to use PPE. This training includes: when to use PPE; what PPE is necessary; and how to properly put on, use, and remove PPE.

- Barbers/cosmetologists/hair salon must place conspicuous signage at entrances and throughout the store alerting staff and customers to the required occupancy limits, the goal of six (6) feet of physical distance, and policy on face coverings. Signage must inform employees and clients about good hygiene and new practices.
- Barbers/cosmetologists/hair salons must, to the greatest extent practicable, implement hours where service can be safely provided to clients at higher risk for severe illness per CDC guidelines. These guidelines are available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>
- Barbers/cosmetologists/hair salons must ensure employees are informed that they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure at the workplace. All education and training must be communicated in the language best understood by the individual receiving the education and training.



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE SECRETARY**

**Andy Beshear
Governor**

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**Eric C. Friedlander
Secretary**

ORDER

June 3, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth due to the outbreak of COVID-19 virus, a public health emergency. Pursuant to the authority in KRS 194A.025, KRS 214.020, and Executive Orders 2020-215 and 2020-323, the Cabinet for Health and Family Services, Department for Public Health, hereby orders the following directives to reduce and slow the spread of COVID-19:

1. The May 22, 2020 Order of the Cabinet for Health and Family Services that amended the March 16, 2020 Order of the Cabinet for Health and Family Services concerning restaurants (the "March 16 Food and Beverage Order") and the March 17, 2020, Order of the Cabinet for Health and Family Services concerning public-facing businesses (the "March 17 Public-Facing Businesses Order") is hereby amended as follows.
2. Effective June 1, 2020, the March 17, 2020 Public-Facing Businesses Order (as amended) shall no longer apply to the following businesses or entities: (1) Auctions; (2) Auto/Dirt track racing; (3) Aquatic centers; (4) Bowling alleys; (5) Fishing tournaments; (6) Fitness centers; and (7) Movie theaters. Effective June 3, 2020, the March 17, 2020 Public-Facing Businesses Order (as amended) shall no longer apply to the miniature golf businesses or entities. The businesses or entities identified in sections (1) through (7) of this paragraph must, in addition to the minimum requirements for all entities in the Commonwealth of Kentucky attached to and incorporated by reference in the May 11, 2020 Order of the Cabinet, implement and follow the specific Requirements for each respective business or entity, which are attached hereto and fully incorporated by reference herein. Miniature golf businesses or entities must implement and follow the minimum requirements for all entities in the Commonwealth attached to and incorporated by reference in the May 11, 2020 Order of the Cabinet. The specific

Requirements for each business identified in sections (1) through (7) of this paragraph and the minimum requirements for all entities are available online at: <https://healthyatwork.ky.gov>.

3. The March 17, 2020 Public-Facing Businesses Order (as amended) otherwise remains in effect except as amended by the May 22, 2020 Order and this Order.

4. The March 16, 2020 Food and Beverage Order (as amended) otherwise remains in effect except as amended by the May 22, 2020 Order.

5. Establishments and public-facing businesses that encourage public congregation or that, by the nature of the service to the public, cannot comply with CDC guidelines concerning social distancing, that were ordered to cease all in-person operations under the March 16, 2020 Food and Beverage Order or the March 17, 2020 Public-Facing Businesses Order remain prohibited from conducting all in-person operations unless otherwise provided in May 22, 2020 Order and this Order.

6. For the avoidance of doubt, all public facing-businesses permitted to operate must to the extent practicable implement Centers for Disease Control guidance, including:

- maintaining a distance of 6 feet between persons;
- ensuring employees practice appropriate hygiene measures, including regular, thorough handwashing;
- ensuring that employees who are sick remain home; and
- regularly cleaning and disinfecting frequently touched objects and surfaces.

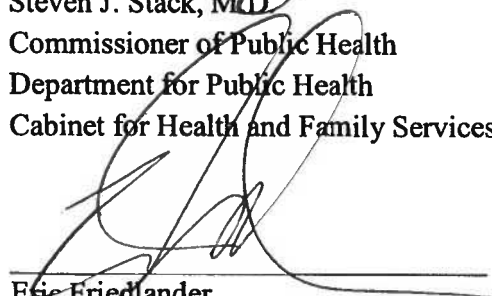
7. Failure to follow the requirements provided in this Order and any other Executive Order and any Cabinet Order, including but not limited to the Orders of the Cabinet for Health and Family Services, is a violation of the Orders issued under KRS Chapter 39A, and could subject businesses to closure or additional penalties as authorized by law.

8. The Department for Public Health hereby delegates to local health departments the authority to take all necessary measures to implement this Order.

The Secretary for the Cabinet for Health and Family Services has been designated by the Governor to deliver these directives during this public health emergency. The Cabinet for Health and Family Services will continue to provide information and updates during the duration of this Public Health Emergency. Prior orders of the Cabinet for Health and Family Services remain in effect unless inconsistent with this Order.



Steven J. Stack, M.D.
Commissioner of Public Health
Department for Public Health
Cabinet for Health and Family Services



Eric Friedlander
Secretary
Governor's Designee

Requirements for Auctions

In addition to the Healthy at Work Minimum Requirements, auctions must meet the requirements below in order to reopen and remain open:

Social Distancing Requirements for Auctions

- Auctions must continue to be held online or remotely to the greatest extent practicable.
- For those auctions that cannot be held remotely, they must be held outside to the greatest extent practicable.
- For those auctions that cannot be held remotely or outdoors, auctions must limit the number of customers present in any auction space to 33% of the maximum permitted occupancy of the facility, assuming all individuals in the space are able to maintain six (6) feet of space between each other with that level of occupancy. If individuals are not able to maintain six (6) feet of space between each other at 33% of capacity, auctions must limit the number of individuals in the space to the greatest number that permits proper social distancing.
- Auctions must ensure that all participants remain a minimum of six (6) feet away from each other and any auctioneers or staff. This includes during sign-in, previewing of the auction items, bidding, picking up items, and submitting payment. Chairs, if used, should be placed six (6) feet apart from one another to ensure proper social distancing.
- Auctions cannot serve food or drink.
- Auctions must ensure customers can pick up purchased items one person at a time and without in-person interaction, either by appointment or by establishing a designated space where each purchased item will be left for pickup.
- Auctions must use online registration, sign-in, and payment to the greatest extent practicable. For sign-ins or other documents that must be done in person, auctions must establish a system that minimizes in-person interaction to the greatest extent practicable, such as providing a designated space where one person at a time can sign documents.
- Auctions must stagger set-up, check-in, entry, exit, and breakdown times to avoid customers and auction staff congregating.

Cleaning and Disinfecting Requirements for Auctions

- Auctions that cannot be held remotely or outside must ensure that their facilities, including breakrooms and restrooms, are properly cleaned and ventilated. Auctions that

cannot be held outside are encouraged to open exterior doors and windows to increase ventilation.

- Auctions should provide hand sanitizer, handwashing facilities, tissues and waste baskets in convenient locations to the greatest extent practicable.
- Auctions must limit the use of shared equipment or items (e.g., pens, documents, bid paddles) to the greatest extent practicable. Any items that must be shared must also be thoroughly disinfected between each use.
- Auctions must limit touching of auction items to the greatest extent practicable. For those auction items that must be touched, they must be disinfected after each use if doing so is possible and would not diminish the quality or value of the item.
- Auctions making restrooms available must ensure frequently touched surfaces are frequently cleaned and disinfected (e.g., door knobs and handles).

Personal Protective Equipment (PPE) Requirements for Auctions

- Auctions must ensure that all staff wear facemasks or other face coverings whenever they are within six (6) feet of another person unless doing so would represent a serious risk to the staff member's health or safety.
- Auctions may require customers to wear masks as well. Auctions should establish a policy as to whether to serve customers who do not adhere to the business's policy on requiring masks. Auctions may choose not to serve those customers who refuse to wear a mask in order to protect their employees and other customers.
- For those auction items that must be touched and cannot be properly disinfected, auction staff and customers must wear gloves while examining the item and properly dispose of those gloves immediately after.

Training and Safety Requirements for Auctions

- Auctions must train staff to use PPE. This training includes: when to use PPE; what PPE is necessary; how to properly put on, use, and remove PPE; how to properly dispose of or disinfect PPE; how to inspect PPE for damage; how to maintain PPE, and; the limitations of PPE.
- Auctions must establish log-in procedures for staff and customers and maintain that information for potential contact notification.

Requirements for Automobile Racing Tracks

In addition to the Healthy at Work [Minimum Requirements](#), **automobile racing tracks** must meet the requirements below in order to reopen and remain open:

Social Distancing Requirements

- Racetracks must permit only authorized employees and essential drivers and crews on the premises. This includes, but is not limited to, racetrack employees, race teams (e.g., drivers, pit crews, and other support staff), emergency medical personnel, and necessary suppliers and vendors (e.g., gasoline suppliers).
- Racetracks must ensure that everyone on premises adhere to social distancing guidelines by staying at least six (6) feet away from other people whenever possible. Controls must be established and maintained when six (6) feet of physical distancing is not feasible.
- Racetracks must prohibit fans and outside media.
- Racetracks must ensure that employees, drivers or their crews may not bring guests, including family members.
- Racetracks must ensure, to the greatest extent practicable, that drivers and their crews on the racetrack premises remain in their assigned pre- and post-trackside space, except when going to and from the track, bathrooms, or dining facilities for the purpose of food carry-out or pick-up.
- Racetracks must, to the greatest extent practicable, stagger normal procedures (e.g., race vehicle shipping/arrival and employee entry/exit) to ensure that employees do not congregate. Racetracks should ensure that employees and other persons present abide by appropriate social distancing requirements.
- Racetracks must ensure racetrack kitchens or other food facilities on premises follow social distancing while in the kitchen, to the greatest extent practicable, and provide food only via-carry out or curbside pick-up.

Cleaning and Disinfecting Requirements

- Racetracks must ensure that adequate supplies of soap and/or sanitizer are readily available to employees and that they promote frequent hand washing by setting up multiple, easily accessible sanitation locations. Refer to CDC guidelines for best sanitization practices.
- Racetracks must ensure cleaning and sanitation of frequently touched equipment, tools, objects, and surfaces with appropriate disinfectants. This may include, but is not limited to: vehicle/equipment door handles; keys; gear shifts; steering wheel/operator controls and levers; fuel pump dispensers; door knobs; light switches; phones; computers/keyboards; copiers; elevator buttons; toilets; faucets; sinks; countertops;

paper towel dispensers; desktops; handrails; folders; vending machines; counters; tables; and cabinets and knobs. Appropriate disinfectants include EPA registered household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol.

- Racetracks must ensure, to greatest extent practicable, that facilities and work areas are sanitized and disinfected after persons suspected or confirmed to have COVID-19 have been in the facility or work area.
- Racetracks must, to the greatest extent practicable, discourage employees and racing crews from sharing tools or equipment. Shared tools and equipment must be disinfected between uses.

Personal Protective Equipment (PPE) **Requirements**

- Racetracks must ensure employees, racing crews and others (e.g. emergency medical crews and suppliers) use appropriate face coverings and other personal protective equipment (PPE). No sharing of PPE is permissible. Racetracks should ensure employees and racing crews wear appropriate face coverings at all times practicable. For employees that are isolated in closed offices or assigned areas with more than six (6) feet of social distancing, face coverings are not necessary at all times. However, when an employee may come within six feet of other people, a face covering must be worn. If not required by OSHA for a job task, N95 / KN95 masks shall not be provided to non-healthcare sector workers as face coverings. Cloth masks shall be used instead.

Training and Safety Requirements

- Racetracks must educate and train all individuals including employees, temporary employees, contractors, vendors, customers, etc., regarding Healthy at Work protocols. Racetracks must communicate with employees any industry, company, and/or site specific plans, guidelines and requirements. Any updates must also be shared to ensure understanding and compliance. All education and training must be communicated in the language best understood by the individual receiving the education and training. Businesses should post signage at employee entrances and/or where other essential employee information is posted such as bulletin boards on construction sites.
- Racetracks must appoint a Safety Coordinator to manage and maintain compliance of the Healthy at Work requirements.
- Racetracks must provide special accommodations for persons at higher risk for severe illness per CDC guidelines (these guidelines are available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>).
- Racetracks must require sick workers or race team members to stay at home or go home if they start to have symptoms. Racetracks must have COVID-19 testing information readily available for employees and race team members, including testing location information.

Requirements for Aquatic Centers and Businesses

In addition to the Healthy at Work Minimum Requirements, aquatic centers must meet the requirements below in order to reopen and remain open:

Social Distancing Requirements for Aquatic Centers

- These requirements allow aquatic centers to reopen for lap swimming, walking, practices, or exercise that can achieve the following social distancing measures. This includes swim lessons and lifeguard training with groups of 10 or fewer students. General leisure and entertainment swimming pool activities are prohibited. Pools without swim lanes must remain closed.
- Aquatics centers must limit the number of visitors present at their facility to a maximum of 33% of occupancy, not including employees. The facility or business should develop an organized scheduling system to minimize interactions between visitors and allows employees to sanitize commonly touched surfaces between visitors. There should be no open swim opportunities. Swimming sessions should be scheduled by appointment over the phone or online.
- Aquatics centers should provide services and conduct business via phone or Internet to the greatest extent practicable. Any employees who are currently able to perform their job duties via telework (e.g., accounting staff) should continue to telework.
- Aquatic centers should eliminate the use of any waiting areas, provide services by appointment only and communicate by phone or text when the visitor may enter the facility. These facilities or businesses must ensure visitors do not congregate in or around the premises before, during or after their visit.
- Aquatic centers should, to the greatest extent practicable, modify traffic flow to minimize contacts between employees and visitors.
- Aquatic centers should ensure employees use digital files rather than paper formats (e.g., documentation, invoices, inspections, forms, agendas) to the greatest extent practicable.
- Aquatic centers should communicate with clients and receive payments through contactless payment options (e.g., phone or Internet), to the greatest extent practicable. For those facilities or businesses that cannot use contactless payments, the facility or business should install floor or wall decals for cashier queuing areas to demark safe waiting distances of a six (6) feet minimums.
- If the swim lanes are six (6) feet wide or wider, swimmers may swim one per lane, leaving from opposite ends and separated by lane lines during their entire swim. For example, a six-lane pool would have odd lanes enter at one end and even lanes enter at the opposite end. Swimmers are not permitted to stop and/or interact at the same end as an adjacent lane. If the swim lanes are less than six (6) feet wide, then swimmers must swim in every other lane, with one empty lane separating each swimmer.

- Swim coaches may be on site, but must maintain a physical distance of at least six (6) feet from their students, other coaches, other swimmers and spectators at all times.
- Swimmers may have one member of their household present to observe and must maintain a physical distance of at least six (6) feet from coaches, other swimmers or other observers. Observers may not congregate in groups with other observers while at the aquatics or swimming facility or business.
- Aquatic centers should prohibit gatherings or meetings of employees of ten (10) or more during work hours, permit employees to take breaks and lunch outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable.
- Aquatic centers should discourage employees from sharing phones, desks, workstations, handhelds/wearables, or other work tools and equipment to the greatest extent practicable.

Cleaning and Disinfecting Requirements for Aquatic Centers

- Aquatic centers should ensure that their facilities, including locker rooms, common areas, breakrooms and restrooms are properly cleaned and ventilated.
- Aquatic centers should provide hand sanitizer, handwashing facilities, tissues and waste baskets in convenient locations to the greatest extent practicable.
- Aquatic centers must encourage visitors to properly wash their hands when they arrive at the facility. If visitors refuse to properly wash their hands, the facility or business may refuse access to the facility.
- Aquatic centers should establish a policy as to whether to serve clients who do not adhere to the business's policy on requiring adherence to CDC guidelines.
- Aquatic centers making restrooms or locker rooms available must ensure restrooms frequently touched surfaces are appropriately disinfected after each use (e.g., door knobs and handles). Swimmers may shower at the facility only if the facility or business can routinely adequately clean and sanitize the showers and locker rooms between visitors.
- Aquatic centers should ensure disinfecting wipes or other disinfectant are available at shared equipment. Swimmers should not share towels or equipment that has not been properly disinfected.
- Aquatic centers must ensure cleaning and sanitation of frequently touched surfaces with appropriate disinfectants. Areas with frequently touched surfaces include fitting rooms, doors, PIN pads, and common areas. Appropriate disinfectants include EPA registered

household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol.

- Aquatic centers must establish a cleaning and disinfecting process that follows CDC guidelines when any individual is identified, suspected, or confirmed COVID-19 case.
- Aquatic centers should ensure employees do not use cleaning procedures that could re-aerosolize infectious particles. This includes, but is not limited to, avoiding practices such as dry sweeping or use of high-pressure streams of air, water, or cleaning chemicals.
- Aquatic centers should disallow visitors from any direct use of retail items or products prior to sale.
- Aquatic centers should encourage visitors to touch only those retail items or products they intend to buy.
- Aquatic centers should ensure any retail items or products that are touched by visitors but not purchased are set aside and appropriately cleaned prior to returning to sales shelves. Businesses should refer to CDC cleaning guidelines for guidance.

Personal Protective Equipment (PPE) Requirements

- Aquatic centers must ensure appropriate face coverings and other personal protective equipment (PPE) are used by employees so long as such use does not jeopardize the employees' health or safety.
- Aquatic centers must ensure their employees wear face masks for any interactions between visitors and co-workers or while in common travel areas of the business (e.g., aisles, hallways, stock rooms, breakrooms, bathrooms, entries and exits). Employees are not required to wear face masks while alone in personal offices or if doing so would pose a serious threat to their health or safety.
- Aquatic centers should ensure all visitors wear face masks while in the facility. Swimmers should wear a face mask until they are entering the pool, and should wear the mask after exiting the pool. Aquatic centers should make masks available for visitors, however visitors may bring and use their own face mask. If visitors, suppliers or vendors refuse to wear masks, the facility or business may refuse those individuals entrance to the facility.
- Aquatic centers should establish a policy as to whether to serve visitors who do not adhere to the business's policy to adhere to CDC guidelines.
- Aquatic centers must ensure employees use gloves, along with any PPE normally used for routine job tasks, when cleaning equipment, workspaces, and high-touch areas of the business.

- Aquatic centers must ensure gloves are available to employees engaging in high-touch activity to the greatest extent practicable provided that they do not create additional hazards while being worn.
- Aquatic centers must ensure employees wear gloves while handling products during shipping and receiving.

Training and Safety Requirements

- Aquatics and swimming facilities and business must train employees to properly dispose of or disinfect PPE, inspect PPE for damage, maintain PPE, and the limitations of PPE.
- Aquatic centers must train employees to use PPE. This training includes: when to use PPE; what PPE is necessary; and how to properly put on, use, and remove PPE.
- Aquatic centers must place conspicuous signage at entrances and throughout the store alerting staff and customers to the required occupancy limits, six feet of physical distance, and policy on face coverings and face masks. Signage should inform employees and clients about good hygiene and new practices.
- Aquatic centers should, to the greatest extent practicable, implement hours where service can be safely provided to clients at higher risk for severe illness per CDC guidelines. These guidelines are available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>
- Aquatic centers should ensure employees are informed that they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure at the workplace. All education and training must be communicated in the language best understood by the individual receiving the education and training.

Requirements for Bowling Alleys

In addition to the Healthy at Work Minimum Requirements, **bowling alleys** must meet the requirements below in order to reopen and remain open:

Social Distancing Requirements

- Bowling alleys must limit the number of clients present in any given facility to 33% of the occupational capacity of the facility. Employees are excluded from this 33% maximum.
- Bowling alleys must provide services and conduct business via phone or Internet to the greatest extent practicable. Any employees who are currently able to perform their job duties via telework (e.g., accounting staff) should continue to telework.
- Bowling alleys must eliminate the use of any waiting areas, provide lane reservations by appointment only and instruct patrons to arrive at their appointed time only. Bowling alleys must ensure patrons do not congregate in the lobby or entrance before or after their appointment.
- Bowling alleys must limit party size to ten (10) people or fewer. Persons not living within the same household should not be permitted bowl on the same lane or in an adjacent lane.
- Bowling alleys must establish controls to ensure one (1) lane of separation between parties/groups.
- Bowling alleys must ensure employees use digital files rather than paper formats (e.g., documentation, invoices, inspections, forms, agendas) to the greatest extent practicable.
- Bowling alleys must establish controls to ensure six (6) feet of physical distancing and safeguards to reduce the opportunity to spread the virus. This includes, for example, installation of portable or permanent non-porous physical barriers (e.g., plexiglass shields) at rental or check-out counters and between employee work stations.
- Bowling alleys must communicate with clients and receive payments through contactless payment options (e.g., phone or Internet) to the greatest extent practicable. For those bowling alleys that cannot utilize contactless payments, the business should install floor or wall decals for cashier queuing areas to demark safe waiting distances of a six (6) feet minimums.
- Bowling alleys must ensure that everyone on premises adhere to social distancing guidelines by staying at least six (6) feet away from other people whenever possible.
- Bowling alleys should, to the greatest extent practicable, modify traffic flow to minimize contacts between employees and patrons.
- Bowling alleys must ensure, to the greatest extent practicable, visitors remain in their assigned space (e.g. bowling lane and associated seating area), except when going to and

from the lane to shoe rental areas, bathrooms, or dining facilities.

- Bowling alleys must close in-person bar service to avoid congregating. However, drinks may be purchased by ordering from wait staff and delivery or to-go service.
- Bowling alleys with restaurants must adhere to the [Healthy at Work Restaurant Guidance](#).
- Bowling alleys with snack and refreshment bars must ensure employees use proper social distancing while preparing and serving food to the greatest extent practicable.
- Bowling alleys must, to the greatest extent practicable, stagger normal procedures (e.g., employee shift schedules, shipping/arrival and visitor entry/exit) to ensure that people do not congregate.

Cleaning and Disinfecting Requirements

- Bowling alleys must ensure that adequate supplies of soap and/or sanitizer are readily available to employees and that they promote frequent hand washing by setting up multiple, easily accessible sanitation locations, including at all lanes assigned to customers. Refer to CDC guidelines for best sanitization practices.
- Bowling alleys must ensure cleaning and sanitation of frequently touched equipment, tools, objects, and surfaces with appropriate disinfectants. This may include, but is not limited to: bowling balls; bowling shoes; lane surfaces such as the ball rack, air fans and score keeping surfaces; equipment door handles; operator controls and levers; door knobs; light switches; phones; computers/keyboards; copiers; elevator buttons; toilets; faucets; sinks; countertops; paper towel dispensers; desktops; handrails; folders; vending machines; counters; tables; and cabinets and knobs. Appropriate disinfectants include EPA registered household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol.
- Bowling alleys must ensure, to greatest extent practicable, that facilities and work areas are sanitized and disinfected after persons suspected or confirmed to have COVID-19 have been in the facility or work area.
- Bowling alleys must, to the greatest extent practicable, discourage patrons from sharing bowling balls.

Personal Protective Equipment (PPE) Requirements

- Bowling alleys must ensure employees, patrons and other visitors (e.g. suppliers and vendors) use appropriate face coverings and other personal protective equipment (PPE). No sharing of PPE is permissible. If not required by OSHA for a job task, N95 / KN95 masks shall not be provided to non-healthcare sector workers as face coverings. Cloth masks must be used instead.
- Bowling alleys must ensure appropriate face coverings and other personal protective equipment (PPE) is used by employees so long as such use does not jeopardize the

employees' health or safety.

- Bowling alleys must ensure their employees wear face masks for any interactions between clients and co-workers or while in common travel areas of the business (e.g., aisles, hallways, stock rooms, breakrooms, bathrooms, entries and exits). Employees are not required to wear face masks while alone in personal offices or if doing so would pose a serious threat to their health or safety.
- Bowling alleys must ensure appropriate face coverings and other personal protective equipment (PPE) is used by employees whenever they are within six feet of other employees or customers so long as such use does not jeopardize the employees' health or safety. Bowling alleys should make masks available for patrons; however, patrons may bring and use their own face masks if they wish. If patrons, suppliers or vendors refuse to wear masks, the bowling alley may refuse those individuals entrance to the facility.
- Bowling alleys must establish a policy as to whether to serve patrons who do not adhere to the business's policy on requiring masks.
- Bowling alleys must ensure employees use gloves, along with any PPE normally used for routine job tasks, when cleaning equipment, workspaces, and high-touch areas of the business.
- Bowling alleys must ensure gloves are available to employees engaging in high-touch activity to the greatest extent practicable provided that they do not create additional hazards while being worn.
- Bowling alleys must ensure employees wear gloves while handling products during shipping and receiving.

Training and Safety Requirements

- Bowling alleys must educate and train all individuals including employees, temporary employees, contractors, vendors, customers, etc., regarding Healthy at Work protocols.
- Bowling alleys must communicate with employees any industry, company, and/or facility specific plans, guidelines and requirements. Any updates must also be shared to ensure understanding and compliance. All education and training must be communicated in the language best understood by the individual receiving the education and training. Businesses should post signage at employee entrances and/or where other essential employee information is posted such as bulletin boards on construction sites.
- Bowling alleys must appoint a Safety Coordinator to manage and maintain compliance of the Healthy at Work requirements.
- Bowling alleys must provide special accommodations for persons at higher risk for severe illness per CDC guidelines (these guidelines are available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>).
- Bowling alleys must require sick workers or patrons members to stay at home or go home if they start to have symptoms.

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- Bowling alleys must have COVID-19 testing information readily available for employees and patrons, including testing location information.

Requirements for Fishing Tournaments

In addition to the Healthy at Work Minimum Requirements, fishing tournaments must meet the requirements below in order to reopen and remain open:

Social Distancing Requirements

- Public and Private Fishing Tournaments Background:
 - Fishing tournaments can vary widely in size from small 5-10 boat tournaments to the rare, much larger 100 or more boat tournaments. However, the majority are small tournaments that typically draw no spectator crowds and are comprised of mostly participants.
 - In a typical fishing tournament, participants are gathered for a brief pre-meeting either the night before the tournament or the morning of. Many of the small tournaments have no pre-meeting. The morning of the tournament participants launch boats independently and wait to fish until start time. Larger tournaments will have staggered start times. From that point on participants are out on the water with two to a boat at most. Boater registration data indicates that the most common type of boat is 16-21 feet long, providing adequate room to social distance.
 - At the end of the tournament they arrive and weigh-in fish prior to announcing the winners. On larger tournaments, return times are also staggered.
 - In a normal tournament the only times participants are likely to aggregate and not be able to social distance is during the pre-meeting and weigh-ins. Despite the crowded “look” of a full boat ramp parking lot, all participants are out on the water and separated for the duration of the event. Since they are all bringing their own boats and vehicles, there is no shared equipment that is in need of disinfecting. For them to reopen, tournament organizers must mitigate the potential crowding at the registration as well as the weigh-ins, which should not be difficult.
 - Since tournaments vary so widely in format, organizers should follow and refer to the Healthy at Work General Minimum Requirements which can be found on the Healthy at Work website – <https://healthyatwork.ky.gov>.

- Public and Private Fishing Tournaments must follow the following social distancing guidance:
 - Tournament organizers shall not hold in-person pre-tournament meetings (e.g., organizational and competitor registration/sign ups), these meetings can be done via conference call or online forum.
 - When tournaments are larger than 10 boats, they must, to the greatest extent practicable, stagger launch times or use multiple launch ramps.
 - Tournament participants must stay in vehicles or boats during launching process and give adequate space for others launching.
 - Weigh-ins must be conducted outdoors.
 - All participants must stay with their vehicle or boat until going up to weigh in.
 - Tournament organizers should encourage participants to wear neck gaiters or face masks when coming up to weigh-in.
 - Only one participant may weigh in a time, weigh in tanks must be staggered at least six feet apart.
 - No crowds may gather to observe weigh-ins. Specifically, fishing tournament organizers must follow the Healthy at Work Guidance for Gatherings of Up to Ten (10) People for any portion of their event where a group may congregate.
 - Prize money, trophies or other acknowledgement of placement can be issued by mail or via electronic means.

Cleaning and Disinfecting Requirements

- Fishing tournament organizers should develop and implement a plan and procedures to ensure any frequently touched surfaces are properly cleaned and ventilated routinely. Appropriate disinfectants include EPA registered household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol. Facilities and businesses must establish a cleaning and disinfecting process that follows CDC guidelines when any individual is identified, suspected, or confirmed COVID-19 case.
- Fishing tournament organizers should encourage organizers, patrons or anyone associated with the tournament to frequently wash their hands or use hand sanitizer.
- Fishing tournament organizers should ensure disinfecting wipes or other disinfectant are available at shared equipment.

- Fishing tournament organizers should ensure organizers and patrons do not use cleaning procedures that could re-aerosolize infectious particles. This includes, but is not limited to, avoiding practices such as dry sweeping or use of high-pressure streams of air, water, or cleaning chemicals.

Personal Protective Equipment (PPE) Requirements

- Fishing tournament organizers must ensure appropriate face coverings and other personal protective equipment (PPE) is used by organizers, staff and patrons when they are in close proximity to others so long as such use does not jeopardize the individuals health or safety.
- Fishing tournament organizers must establish policy as to whether to allow patrons to participate in the tournament who do not adhere to the tournament's policy on requiring masks.
- Fishing tournament organizers must train any applicable staff how to properly use PPE, how to properly dispose of or disinfect PPE, inspect PPE for damage, maintain PPE, and the limitations of PPE.
- Fishing tournament organizers must ensure organizers or any applicable staff use gloves, along with any PPE normally used for routine job tasks, when cleaning equipment and high-touch areas of the tournament.
- Fishing tournament organizers must ensure cloth face masks and gloves are available to organizers and staff engaging in high-touch activity to the greatest extent practicable provided that they do not create additional hazards while being worn.

Training and Safety Requirements

- Fishing tournament organizers must place conspicuous signage alerting staff and patrons of the required six (6) feet of social distancing of physical distance, and the tournament's policy on face coverings. Signage should inform organizers, staff and patrons about good hygiene and new practices.
- Fishing tournament organizers should, to the greatest extent practicable, discourage those staff and patrons who are at higher risk for severe illness from participating if they cannot participate safely per CDC guidelines. These guidelines are available at:<https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>
- Fishing tournament organizers should ensure that organizers, staff and patrons are informed that they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure at the tournament. All signage, education and training must be communicated in the language best understood by the individual receiving the education and training.

Requirements for Movie theaters

In addition to the Healthy at Work [Minimum Requirements](#), **movie theaters** must meet the requirements below in order to reopen and remain open:

Social Distancing Requirements

- Movie theaters must limit the number of patrons present to 33% of the occupational capacity of the facility. Employees are excluded from this 33% maximum.
- Movie theaters should conduct business via phone or Internet to the greatest extent practicable. Any employees who are currently able to perform their job duties via telework (e.g., accounting staff) should continue to telework.
- Movie theaters must minimize the use of any waiting areas, sell tickets online and instruct patrons to arrive at the start time on their pre-purchased ticket. For those movie theaters that cannot utilize online ticketing, the business should install floor or wall decals for cashier queuing areas to demark safe waiting distances of a six (6) feet minimums. Ticketing employees should be shielded by glass or plexiglass and utilize appropriate PPE.
- Movie theaters must scan electronic or bar coded tickets in a way that protects the patron and employees. For example, a patron may scan the ticket while being observed by a movie theater employee who is shielded by plexiglass or tickets may be scanned by an employee wearing appropriate PPE and shielded by a glass or plexiglass barrier. If the movie theater cannot implement the suggestions above or does not use barcoded tickets, the theater must implement another method of taking tickets that does not involve close personal contact. Movie theaters must ensure patrons do not congregate in the theater before or after their movie.
- Movie theaters should ensure employees use digital files rather than paper formats (e.g., documentation, invoices, inspections, forms, agendas) to the greatest extent practicable.
- Movie theaters must establish controls to ensure six (6) feet of physical distancing and safeguards to reduce the opportunity to spread the virus. This includes, for example, installation of portable or permanent non-porous physical barriers (e.g., plexiglass shields) at snack bar counters and between employee work stations.
- Movie theaters must ensure that everyone on premises adhere to social distancing guidelines by staying at least six (6) feet away from others not in their household whenever possible.
- Movie theaters must assign theater seats, to the greatest extent practicable, in order to arrange appropriate social distance theater seating (e.g. staggering open seats, closing every other aisle or closing sets of seats to keep groups who live in the same household socially distant from other groups or individuals).

- Movie theaters should, to the greatest extent practicable, modify traffic flow to minimize contacts between employees and patrons.
- Movie theaters must ensure, to the greatest extent practicable, patrons remain in their assigned space (e.g. bowling lane and associated seating area), except when going to and from their seat to a snack bar, bathrooms, or dining facilities.
- Movie theaters with bars or restaurants, not including snack bars, must adhere to the Healthy at Work Restaurant Guidance.
- Movie theaters with snack bars must ensure employees utilize proper social distancing while preparing and serving food, to the greatest extent practicable.
- Movie theaters must, to the greatest extent practicable, stagger normal procedures (e.g., employee shift schedules, shipping/arrival and visitor entry/exit) to ensure that people do not congregate.

Cleaning and Disinfecting Requirements

- Movie theaters must ensure that adequate supplies of soap and/or sanitizer are readily available to employees and patrons and that they promote frequent hand washing by setting up multiple, easily accessible sanitation locations. Refer to CDC guidelines for best sanitization practices.
- Movie theaters must ensure cleaning and sanitation of frequently touched equipment, tools, objects, and surfaces with appropriate disinfectants. This may include, but is not limited to: theater chairs; hand rails; door handles; operator controls and levers; door knobs; light switches; phones; computers/keyboards; copiers; elevator buttons; toilets; faucets; sinks; countertops; paper towel dispensers; desktops; handrails; folders; vending machines; counters; tables; and cabinets and knobs. Appropriate disinfectants include EPA registered household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol.
- Movie theaters must ensure, to greatest extent practicable, that facilities and work areas are sanitized and disinfected after persons suspected or confirmed to have COVID-19 have been in the facility or work area.

Personal Protective Equipment (PPE) Requirements

- Movie theaters must ensure their employees, suppliers, and vendors wear cloth face coverings or face masks for any interactions between clients and co-workers or while in common travel areas of the business (e.g., aisles, hallways, stock rooms, breakrooms, bathrooms, entries and exits). Employees are not required to wear face masks while alone in personal offices, when more than six (6) feet away from anyone else, or if doing so would pose a serious threat to their health or safety.

- Movie theaters should establish a policy as to whether to serve patrons who do not adhere to the business's policy on requiring masks. Movie theaters should make masks available for patrons; however, patrons may bring and use their own face masks if they wish. If patrons refuse to wear masks, the theater may refuse those individuals entrance to the facility.
- Movie theaters must ensure employees use regularly-replaced gloves, along with any PPE normally used for routine job tasks, when cleaning equipment, workspaces, and high-touch areas of the business.
- Movie theaters must ensure gloves are available to employees engaging in high-touch activity to the greatest extent practicable provided that they do not create additional hazards while being worn.
- Movie theaters must ensure employees wear gloves while handling products during shipping and receiving.

Training and Safety Requirements

- Movie theaters must educate and train all individuals including employees, temporary employees, contractors, vendors, customers, etc., regarding Healthy at Work protocols.
- Movie theaters must communicate with employees any industry, company, and/or facility specific plans, guidelines and requirements. Any updates must also be shared to ensure understanding and compliance. All education and training must be communicated in the language best understood by the individual receiving the education and training. Businesses should post signage at employee entrances and/or where other essential employee information is posted such as bulletin boards.
- Movie theaters must appoint a Safety Coordinator to manage and maintain compliance of the Healthy at Work requirements.
- Movie theaters must provide special accommodations for persons at higher risk for severe illness per CDC guidelines (these guidelines are available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>).
- Movie theaters must require sick workers to stay at home or go home if they start to have symptoms. Theaters may also refuse entry to patrons displaying COVID-19 symptoms.
- Movie theaters must have COVID-19 testing information readily available for employees and patrons, including testing location information.
- Movie theaters must post the [Healthy At Work General Guidance](#) poster at the entrances to the theater as well as any other place where the reminders are useful (e.g., snack bars, bathrooms and individual theater doors/entry ways).

Healthy at Work

TEAM
KENTUCKY



**CABINET FOR HEALTH AND FAMILY SERVICES
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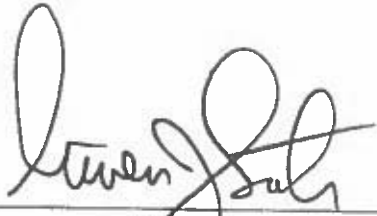
June 8, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth due to the outbreak of COVID-19 virus, a public health emergency. Pursuant to the authority in KRS 194A.025, KRS 214.020, and Executive Orders 2020-215 and 2020-323, the Cabinet for Health and Family Services, Department for Public Health, hereby orders the following directives to reduce and slow the spread of COVID-19:

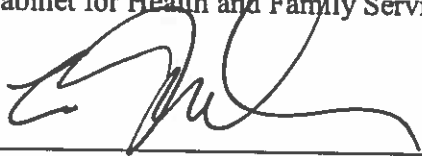
1. The May 22, 2020 Order of the Cabinet for Health and Family Services that amended the March 16, 2020 Order of the Cabinet for Health and Family Services concerning restaurants (the "March 16 Food and Beverage Order") and the March 17, 2020, Order of the Cabinet for Health and Family Services concerning public-facing businesses (the "March 17 Public-Facing Businesses Order") is hereby amended as follows.
2. Effective June 8, 2020, the March 17, 2020 Public-Facing Businesses Order (as amended) shall no longer apply to the following businesses or entities: (1) Educational and cultural activities (aquariums, distilleries, libraries, museums, wineries, and limited outdoor attractions); (2) Horse shows; and (3) Some childcare (in-home programs). The businesses or entities identified in this paragraph must, in addition to the minimum requirements for all entities in the Commonwealth of Kentucky attached to and incorporated by reference in the May 11, 2020 Order of the Cabinet, implement and follow the specific Requirements for each respective business or entity, which are attached hereto and fully incorporated by reference herein. The specific Requirements for each business or entity identified in this paragraph and the minimum requirements for all entities are available online at: <https://healthyatwork.ky.gov>.

3. The March 17, 2020 Public-Facing Businesses Order (as amended) otherwise remains in effect except as amended by the May 22, 2020, the June 1, 2020 and the June 3, 2020 Orders and this Order.
4. The March 16, 2020 Food and Beverage Order (as amended) otherwise remains in effect except as amended by the May 22, 2020 Order.
5. Establishments and public-facing businesses that encourage public congregation or that, by the nature of the service to the public, cannot comply with CDC guidelines concerning social distancing, that were ordered to cease all in-person operations under the March 16, 2020 Food and Beverage Order or the March 17, 2020 Public-Facing Businesses Order remain prohibited from conducting all in-person operations unless otherwise provided in May 22, 2020, the June 1, 2020, or the June 3, 2020 Orders and this Order.
6. For the avoidance of doubt, all public facing-businesses permitted to operate must to the extent practicable implement Centers for Disease Control guidance, including:
 - maintaining a distance of 6 feet between persons;
 - ensuring employees practice appropriate hygiene measures, including regular, thorough handwashing;
 - ensuring that employees who are sick remain home; and
 - regularly cleaning and disinfecting frequently touched objects and surfaces.
7. Failure to follow the requirements provided in this Order and any other Executive Order and any Cabinet Order, including but not limited to the Orders of the Cabinet for Health and Family Services, is a violation of the Orders issued under KRS Chapter 39A, and could subject businesses to closure or additional penalties as authorized by law.
8. The Department for Public Health hereby delegates to local health departments the authority to take all necessary measures to implement this Order.

The Secretary for the Cabinet for Health and Family Services has been designated by the Governor to deliver these directives during this public health emergency. The Cabinet for Health and Family Services will continue to provide information and updates during the duration of this Public Health Emergency. Prior orders of the Cabinet for Health and Family Services remain in effect unless inconsistent with this Order.



Steven J. Stack, M.D.
Commissioner of Public Health
Department for Public Health
Cabinet for Health and Family Services



Eric Friedlander
Secretary
Governor's Designee

Requirements for Childcare Programs¹

In addition to the Healthy at Work Minimum Requirements, childcare programs must meet the requirements below in order to reopen and remain open:

Timeline For Reopening Childcare Programs

JUNE 8, 2020

- In-home childcare programs (Type 2, Certified, and Registered Providers) may reopen subject to the requirements below; Limited Duration Childcare programs will remain open.

JUNE 15, 2020

- Center-based licensed childcare programs and day camps may reopen to all patrons subject to the requirements below.

Regulatory Requirements for Childcare Programs

- Since childcare programs were only required to pause their services, the Division of Regulated Childcare will operate as if all programs are reopening on the dates listed above. If a program chooses to postpone opening or permanently close, the program will need to immediately contact the Division of Regulated Childcare to update their status.
- When childcare programs reopen, they will not need to redo background checks for all previously employed staff members due to the rapback feature on KARES. They will need to update the KARES background check database for any employees that have left the programs' employment during the closure.
- The childcare programs will also need to contact the ECE-TRIS database and remove employees from the database that have left the programs' employment during the closure.
- If there is a new childcare program director when the program reopens, director change paperwork will need to be filed with the Division of Regulated Childcare immediately.

¹ Childcare programs includes summer day camps for children.

Social Distancing Requirements for Childcare Programs

- All childcare programs will need to utilize a maximum group size of ten children per group. Registered and certified providers will still need to implement their lower maximum group sizes listed in regulations.
- The square footage requirement of space per child is still required, so a center cannot place ten children in a classroom if the Division of Regulated Childcare has approved the room for a smaller number of children.
- Ratios for children under the age of twenty-four months will still be in place, so those classrooms will need to have two adults present if caring for the maximum classroom size of ten children.
- Children will remain in the same group of ten children all day without being combined with another classroom.
- Those approved to be in a childcare program are limited to:
 - Facility staff
 - Persons with legal authority to enter (first responders, Department for Community Based Services, Division of Regulated Childcare, etc.).
 - Necessary utility workers
 - Professionals providing medical/therapeutic services for children with special needs
 - Children enrolled in the facility
 - Parents or legal guardians of children enrolled in the program
 - In family childcare homes, the family members who live in the home of the approved childcare provider may also be in the childcare program.
- Childcare programs may not provide access to visitors or students conducting classroom observations.
- The same staff members should work with the same children each day in order to reduce additional exposure, including the staff members that give breaks to primary staff members.
- With families' permissions (if children are in the videos), childcare programs may use video/virtual observations for practicum students and virtual tours for perspective families.
- Childcare programs shall stagger playground time between classroom groups.
- Childcare programs will not hold center-wide family events.
- Childcare programs will not hold field trips.

Healthy at Work



- Childcare programs will use a centralized drop-off and pick-up location to eliminate unnecessary traffic to classrooms and exposure of children. Childcare programs must, to the greatest extent practicable, conduct pick-up and drop-off each day in a manner that ensures social distancing. Childcare staff members should operate child pick-up and drop-off by class.
- Childcare programs should, if practicable, demarcate spots on the ground spread at six (6) foot intervals immediately outside the facility where parents and custodial adults may safely wait to pick-up children. Childcare programs should encourage parents and custodial adults to wear cloth face coverings or masks during pick-up and drop-off.
- Childcare programs should, to the greatest extent practicable, encourage staff members to conduct group activities that can be performed while observing social distancing (e.g. coloring/painting) and limiting sharing of toys/items.
- Childcare programs must establish a pick-up and drop-off procedure and schedule to ensure that children are entering and leaving one at a time.
- Childcare programs are encouraged to provide outdoor instructions for children of appropriate age. Childcare programs holding outdoor fitness classes must follow the Healthy at Work Guidelines for [Groups of 10 People or Fewer](#) for those classes.
- Childcare programs must eliminate “lost and found” bins.
- Childcare programs should discontinue use of water fountains to the greatest extent practicable. Childcare programs should encourage customers to bring their own water bottles.
- Childcare programs must eliminate use of high-contact sports/team sports areas (e.g. basketball courts, football fields, and soccer fields) until such time as requirements/guidance are issued for those activities.
- Childcare programs contained within any other business that has reopened must follow the Minimum Requirements and specific requirements for that business. These are available at [Healthy at Work](#).
- Childcare programs should provide services and conduct business via phone or Internet to the greatest extent practicable. Any employees who are currently able to perform their job duties via telework (e.g., accounting staff) should continue to telework.
- Childcare programs should, to the greatest extent practicable, modify traffic flow to minimize contacts between employees and children.

- Childcare programs should ensure employees use digital files rather than paper formats (e.g., documentation, invoices, inspections, forms, agendas) to the greatest extent practicable.
- Childcare programs should communicate with parents and custodial adults and receive payments through contactless payment options (e.g., phone or Internet), to the greatest extent practicable. For those programs that cannot use contactless payments, the program should demark safe waiting distances of six (6) feet minimums in cashier queuing areas.
- Childcare programs must discourage employees from sharing phones, desks, workstations, handhelds/wearables, or other work tools and equipment to the greatest extent practicable.
- Childcare programs must ensure that controls are established to ensure social distancing in locker rooms, including disabling lockers to enforce six (6) feet of social distancing. Childcare programs should discourage use of locker rooms.
- Childcare programs must ensure limited use of restroom programs at any one time based on the facility size and current social distancing guidelines.

Cleaning and Disinfecting Requirements for Childcare Programs

- Each childcare program will create and post a cleaning and sanitizing plan specific to the individual childcare program and describe how additional cleaning and sanitizing will be implemented in the childcare program. Toys that cannot be cleaned and sanitized should not be used.
- Toys that children have placed in their mouths or that are otherwise contaminated by bodily secretions should be set aside until they are cleaned by hand by a person wearing gloves.
- Machine washable cloth toys should not be used at this time.
- Group of infants or toddlers cannot use shared toys unless they are washed and sanitized before being moved from one group to the other.
- Childcare programs must set aside toys that need to be cleaned by putting them separate container marked for soiled toys until they can be cleaned.
- Children's books, like other paper-based materials, are not considered a high risk for transmission and do not need additional cleaning or disinfection procedures. Plastic infant and toddler books may be cleaned and sanitized as the material allows.
- Use bedding (sheets, pillows, blankets, sleeping bags) that can be washed. Keep each child's bedding separate, and consider storing in individually labeled bins, cubbies, or

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bags. Bedding that touches a child's skin should be cleaned weekly or before any use by another child.

- Classrooms will not utilize family style dining. Staff will prepare plates and pass them out to the individual children.
- No transportation will be offered at childcare programs while the public school system is closed. When the public school system resumes classes, childcare programs will model the transportation policies of the Kentucky Department of Education.
- Childcare programs must ensure that their programs, including locker rooms, common areas, breakrooms and restrooms are properly cleaned and ventilated.
- Childcare programs must ensure that staff members/employees and children practice hand hygiene frequently. For example, staff members and children should wash or sanitize their hands in the following circumstances: upon arrival for the day, after breaks, upon returning from outside, after toileting or assisting a child with toileting, after each diaper change or pull-up change, after contact with bodily fluids or cleaning up spills or objects contaminated with bodily fluids, after cleaning or sanitizing or using any chemical products, after handling pets, pet cages or other pet objects that have come in contact with the pet, before eating, serving or preparing food or bottles or feeding a child, before and after completing a medical procedure or administering medication, when visibly soiled (must use soap and water), and prior to departure. This may require facility staff to assist children with hand hygiene.
- Childcare programs must encourage staff members/employees and children to limit touching their mouth, nose, and face.
- Childcare programs must provide hand sanitizer (as appropriate), handwashing programs, tissues and waste baskets in convenient locations to the greatest extent practicable.
- Childcare programs making restrooms or locker rooms available must ensure frequently touched surfaces are regularly disinfected (e.g., door knobs and handles).
- Childcare programs must ensure cleaning and sanitation of frequently touched surfaces with appropriate disinfectants, in accordance with appropriate Kentucky childcare standards.
- Childcare programs must establish a cleaning and disinfecting process that follows CDC guidelines to address when any individual is identified, suspected, or confirmed as a COVID-19 case.
- Childcare programs must ensure employees do not use cleaning procedures that could re-aerosolize infectious particles. This includes, but is not limited to, avoiding practices such as dry sweeping or use of high-pressure streams of air, water, or cleaning chemicals.

Screening and Illness Requirements

- Children and adults will be screened for fever and contagious symptoms upon entry into the childcare program consistent with the Minimum Requirements.
- Childcare program staff members who demonstrate symptoms of COVID-19 must be tested for the illness.
- Children or adults that test positive for COVID-19 must follow the recommendations of their local health department on when to return to the childcare program.
- When a child shows a fever or other contagious symptoms, the child must be removed from the classroom immediately and placed in a safe, secluded area. The parent or guardian must remove the child from the childcare program within one hour.
- Childcare programs must notify enrolled families and staff of a diagnosed case of COVID19 in the program, while still protecting the privacy of the diagnosed individual.

Personal Protective Equipment (PPE) Requirements

- Adults must wear a face mask while inside a childcare program (in-home or center-based) unless doing so would represent a serious risk to their health or safety or they are more than 6 feet away from any other individual.
- Children who are five (5) years of age or under should not wear masks due to increased risks of suffocation and strangulation. Childcare programs may recommend to the parents of children over five (5) that their child wear a mask and provide information about the benefits of masking.
- Childcare providers should wear gloves while serving food and preparing bottles. Gloves should be changed between bottle feedings.
- Childcare programs should make masks available for parents and custodial adults where in-facility interaction is necessary. Parents and custodial adults may bring and use their own face mask. If parents or custodial adults, suppliers, or vendors refuse to wear masks, the facility may refuse those individuals entrance to the facility.
- Childcare programs should establish a policy as to whether to allow parents or custodial adults enter the facility if the parent or custodial adult refuses to adhere to the facility's policy to adhere to CDC guidelines.
- Childcare programs must ensure employees use gloves, along with any PPE normally used for routine job tasks, when cleaning equipment, toys, playspaces, workspaces, and high-touch areas of the facility.

- Childcare programs must ensure gloves are available to employees engaging in high-touch activity to the greatest extent practicable provided that they do not create additional hazards while being worn.
- Childcare programs must ensure employees wear gloves while handling products during drop-off and pick-up as well as during any shipping and receiving.

Training and Safety Requirements

- Childcare programs must have required cleaning supplies and PPE (masks, latex/non-latex gloves) on site before they can reopen their facility. Childcare Aware staff will screen programs to make sure that supplies are on site prior to opening.
- All staff members will need to take a refresher training on cleaning and sanitizing procedures, as well as mandatory reporting of child abuse before the date that their program reopens. Limited Duration Childcare staff members will need to complete their training before their program transitions back to a licensed or certified program.
- Centers will not be penalized if staff members did not complete required training hours during the childcare closure. Childcare programs will begin annual training hours again on July 1, 2020, and they will have until June 30, 2021 for providers to complete their annual required training hours.
- Additional monitoring will be conducted to verify compliance with the additional preventative measures required due to the pandemic. The Division of Regulated Childcare will conduct monitoring for enhanced health and safety requirements along with required annual inspections. Childcare Aware coaches will assist with preventative monitoring by assisting centers prior to their reopening date to make sure they are prepared to open for children. Childcare Aware coaches and Childcare Health Consultants will assist centers with implementing new preventative requirements once the centers are open.
- Annual visits from the Division of Regulated Childcare will begin soon after childcare programs reopen.
- All childcare providers with a completed and approved KARES background check are ready to return to the classroom and safely be left alone with children.
- Since the statewide fingerprint background check system has not yet reopened, new childcare providers will have to file name-based background checks prior to starting in the center. They will not be left alone with children until the named-based background checks are sent back to the childcare facility with an approved status. Once the fingerprint background system reopens, the employees will go and complete the fingerprint system once time and staffing at the DCBS regional offices will allow for them to receive an appointment.

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- Childcare programs must train staff/employees to use PPE. This training includes: when to use PPE; what PPE is necessary; and how to properly put on, use, and remove PPE.
- Childcare programs must establish log-in procedures and maintain that information for potential contact notification
- Childcare programs should ensure employees are informed that they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure at the workplace. All education and training must be communicated in the language best understood by the individual receiving the education and training.

Requirements for Horse Shows

In addition to the Healthy at Work Minimum Requirements, horse shows must meet the requirements below in order to reopen and remain open:

Social Distancing Requirements for Horse Shows

- Horse shows must ensure that the number of people on horse show grounds or in a ring does not exceed the number that can safely socially distance at six (6) feet or more away from one another - this may result in a smaller amount of competitors that would normally be allowed.
- Horse shows must ensure that stalls, if used, are large enough to permit six (6) feet of social distancing between exhibitors; if not, every other stall must be used.
- Horse shows must ensure that horse trailers are parked a minimum of six (6) feet apart to the greatest extent practicable.
- Horse shows must arrange judges' and other officials' spaces to ensure that they can maintain six (6) feet of social distance from others.
- Horse shows must limit attendance to: essential staff, volunteers, and service providers; judges; trainers; participants/riders; groomers, and; owners. If a participant is a minor, their parents or primary caregivers may attend with them.
- Horse shows must not permit the public, spectators, fans, family members (other than parents/caregivers of a minor), or outside media on competition grounds.
- Horse shows must use online registration, check-in, and payment to the greatest extent practicable.
- Horse shows must configure any competition offices or check-in spaces to ensure that both staff and competitors can remain six (6) feet apart to the greatest extent practicable. Horse shows should consider markings showing six (6) feet of distance as well as plexiglass or other physical, non-porous barriers in these spaces.
- Horse shows must stagger horse arrival, check-in, entry, exit, and horse departure times to avoid participants, staff, and volunteers congregating.

Temperature and Health Screening Requirements for Horse Shows

- Horse shows must require temperature and health screenings for all volunteers, officials, competition staff, service providers, and participants consistent with the Temperature and Health Screening Guidance in the Healthy At Work [Minimum Requirements](#). These screenings may either be self-administered at home or administered on-site prior to entry.

Cleaning and Disinfecting Requirements for Horse Shows

- Horse shows must ensure that their facilities, including stalls, locker rooms, common areas, breakrooms and restrooms are properly cleaned and ventilated. Horse shows are encouraged to open exterior doors and windows to increase ventilation.
- Horse shows should provide hand sanitizer, handwashing facilities, tissues and waste baskets in convenient locations to the greatest extent practicable.
- Horse shows must limit the use of shared equipment (e.g., tack, grooming supplies, lead shanks) to the greatest extent practicable. If equipment must be shared, horse shows must sanitize that equipment between each use.
- Horse shows making restrooms or locker rooms available must ensure frequently touched surfaces are frequently cleaned and disinfected (e.g., door knobs and handles).

Personal Protective Equipment (PPE) Requirements

- Horse shows must require a facemask or face covering for all staff, officials, volunteers, service providers and participants when not mounted on a horse. Horse shows do not have to require participants on horseback to wear a mask, but the horse shows should permit them to do so if they wish. Horse shows must not disqualify or penalize a participant for wearing a facemask or face covering while competing.
- Horse shows should ensure that gloves are worn by any essential staff or volunteers when handling shared show equipment and that those gloves are replaced after each use.

Training and Safety Requirements for Horse Shows

- Horse shows must train essential staff to use PPE. This training includes: when to use PPE; what PPE is necessary; how to properly put on, use, and remove PPE; how to properly dispose of or disinfect PPE; how to inspect PPE for damage; how to maintain PPE, and; the limitations of PPE.
- Horse shows must establish log-in procedures for essential staff and participants and maintain that information for potential contact notification.

Requirements for Educational & Cultural Opportunities and Attractions

In addition to the Healthy at Work Minimum Requirements, educational and cultural opportunities and attractions facilities and businesses must meet the requirements below in order to reopen and remain open:

- Educational and cultural opportunities and attractions facilities and businesses include, but are not limited to, the following:
 - Aquariums, distilleries (including tours), libraries, limited outdoor attractions (e.g., cave tours, zoos other than petting zoos, and the Salato Wildlife Education Center), public and private museums and historic sites (e.g., the Kentucky Derby Museum, Speed Museum and the Kentucky History Center), and wineries.¹

Social Distancing Requirements

- All facilities and businesses that operate restaurants or snack bars as a component of their facility or business must follow the Healthy at Work Requirements for Restaurants.
- All facilities and businesses that operate retail stores as a component of their facility or businesses must follow the Healthy at Work Requirements for Retail Businesses.
- All facilities and businesses must minimize the use of any waiting areas. Facilities and businesses must make reservations and sell tickets over the phone or online to the greatest extent practicable. For those facilities that cannot use online reservations/ticketing/sales, the facility should install floor or wall decals for cashier queuing areas to demark safe waiting distances of a six (6) feet minimums. Ticketing employees should be shielded by glass or plexiglass and use appropriate personal protective equipment.
- Outdoor facilities and businesses must limit the persons, not including employees, present in any given tourism facility or business to an amount small enough to permit at least six (6) feet of social distancing between all individuals or households. Additionally, tourism facilities and businesses must follow the Healthy at Work Guidance for Gatherings of Up To Ten (10) People.

¹Amusement parks (e.g., Kentucky Kingdom), music venues, waterparks, fairs, festivals, sports complexes and other convention or entertainment venues that attract large crowds are not included in this guidance and shall remain closed until additional guidance and dates are announced.

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- Outdoor facilities and businesses must promote safe and healthy experiences by following the Healthy At Work minimum requirements, to the greatest extent practicable.
- Outdoor facilities must develop and implement a plan and protocols to create transmission barriers, where possible, and promote and enforce social distancing; implement touchless solutions, where practical; and enhance and promote sanitation and hygiene practices.
- Indoor facilities and businesses must limit the persons, not including employees, present in any given tourism oriented facility or business to 33% of the capacity of the facility. Additionally, tourism oriented facilities and businesses must follow the Healthy at Work Guidance for Gatherings of Up To Ten (10) People.
- Additional guidance:
 - Facilities with exterior exhibits: promote and enforce social distancing and masking when patrons and staff are in close proximity or passing by one another; ensure patrons do not touch exhibits; and develop one-way traffic touring routes/patterns, to the extent practicable.
 - Facilities with interior passive, self-guided tours: promote and enforce social distancing and masking when patrons and staff are in close proximity or passing by one another; ensure patrons do not touch exhibits; develop one-way traffic touring routes/patterns, to the extent practicable; and demarcate social distancing signage to avoid congregation between groups of patrons.
 - Facilities with interior guided tours: promote and enforce social distancing and masking when patrons and staff are in close proximity or passing by one another; ensure patrons do not touch exhibits; develop one-way traffic touring routes/patterns, to the extent practicable; demarcate social distancing signage to avoid congregation between groups of patrons; and ensure staff guides strictly follow social distancing protocols and wear face masks at all times, unless they are more than six (6) feet away from anyone else or doing so would put their health or safety at risk.

Cleaning and Disinfecting Requirements

- Facilities and businesses should develop and implement a plan and procedures to ensure the facility, including offices and workstations, are properly cleaned and ventilated routinely.
- Facilities and businesses should encourage employees and patrons or customers to frequently wash their hands or use hand sanitizer, which should be provided by the employer.

- Facilities and businesses must ensure cleaning and sanitation of frequently touched surfaces (e.g., door knobs or handles and counter tops) with appropriate disinfectants. Appropriate disinfectants include EPA registered household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol. Facilities and businesses must establish a cleaning and disinfecting process that follows CDC guidelines when any individual is identified, suspected, or confirmed COVID-19 case.
- Facilities and businesses should ensure employees wipe their workstations/cash registers down with disinfectant at the end of their shift or at any time they discontinue use of their workstations/cash register for a significant period of time.
- Facilities and businesses should ensure disinfecting wipes or other disinfectant are available at shared equipment.
- Facilities and businesses should ensure employees do not use cleaning procedures that could re-aerosolize infectious particles. This includes, but is not limited to, avoiding practices such as dry sweeping or use of high-pressure streams of air, water, or cleaning chemicals.

Personal Protective Equipment (PPE) Requirements

- Facilities and businesses must ensure appropriate face coverings and other personal protective equipment (PPE) is used by employees whenever the employees are within six (6) feet of anyone else, so long as such use does not jeopardize the employees' health or safety. Facilities and businesses must train employees to use PPE. This training includes: when to use PPE; what PPE is necessary; and how to properly put on, use, and remove PPE.
- Facilities and businesses must require contractors and vendors to wear face coverings or masks while at the facility.
- Facilities and businesses may, if they wish, require patrons and customers to wear masks while inside or within six (6) feet of anyone outside of their household. Facilities and businesses who do so should establish a policy as to whether to serve customers who do not adhere to the business's policy on requiring masks. Facilities and businesses may choose not to serve those customers who refuse to wear a mask in order to protect their employees and other customers.
- Facilities and business must train employees to properly dispose of or disinfect PPE, inspect PPE for damage, maintain PPE, and the limitations of PPE.
- Facilities and businesses must ensure employees use gloves, along with any PPE normally used for routine job tasks, when cleaning equipment, workspaces, and high-touch areas of the business.

- Facilities and businesses must ensure gloves are available to employees engaging in high-touch activity to the greatest extent practicable provided that they do not create additional hazards while being worn.
- Facilities and businesses must ensure employees wear gloves while handling products during shipping and receiving.

Training and Safety Requirements

- Facilities and businesses must place conspicuous signage at entrances and throughout the facility alerting staff and patrons or customers to the required occupancy limits, six feet of physical distance, and policy on face coverings. Signage should inform employees and patrons or customers about good hygiene and new practices.
- Facilities and businesses should, to the greatest extent practicable, implement hours where service can be safely provided to constituents at higher risk for severe illness per CDC guidelines. These guidelines are available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>
- Facilities and businesses should ensure employees are informed that they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure at the workplace. All education and training must be communicated in the language best understood by the individual receiving the education and training.



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE SECRETARY**

**Andy Beshear
Governor**

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**Eric C. Friedlander
Secretary**

ORDER

June 15, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth due to the outbreak of COVID-19 virus, a public health emergency. Pursuant to the authority in KRS 194A.025, KRS 214.020, and Executive Orders 2020-215 and 2020-323, the Cabinet for Health and Family Services, Department for Public Health, hereby orders the following directives to reduce and slow the spread of COVID-19:

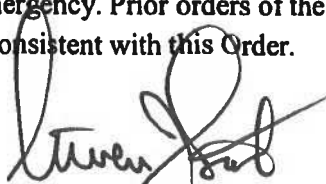
1. The May 22, 2020 Order of the Cabinet for Health and Family Services that amended the March 16, 2020 Order of the Cabinet for Health and Family Services concerning restaurants (the "March 16 Food and Beverage Order") and the March 17, 2020, Order of the Cabinet for Health and Family Services concerning public-facing businesses (the "March 17 Public-Facing Businesses Order") is hereby amended as follows.

2. Effective June 15, 2020, the March 17, 2020 Public-Facing Businesses Order (as amended) shall no longer apply to the following businesses or entities:
(1) Some childcare (center-based programs, day camps); and (2) Youth sports and athletic activities (low touch). The some childcare (center-based programs and day camps) businesses or entities identified in this paragraph must, in addition to the minimum requirements for all entities in the Commonwealth of Kentucky attached to and incorporated by reference in the May 11, 2020 Order of the Cabinet, implement and follow the specific Requirements for Childcare Programs, which are attached hereto and fully incorporated by reference herein. The youth sports and athletic activities (low touch) identified in this paragraph must, in addition to the minimum requirements for all entities in the Commonwealth of Kentucky attached to and incorporated by reference in the May 11, 2020 Order of the Cabinet, implement and follow the Guidance for Youth Sports and Athletic Activities, which are attached hereto and fully incorporated by reference herein.

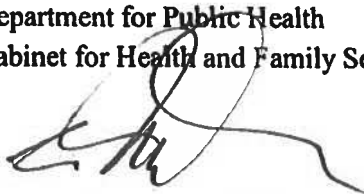
The specific Requirements for Childcare and the Guidance for Youth Sports and Athletic Activities and the minimum requirements for all entities are available online at: <https://healthyatwork.ky.gov>.

3. The March 17, 2020 Public-Facing Businesses Order (as amended) otherwise remains in effect except as amended by the May 22, 2020, the June 1, 2020, the June 3, 2020, June 8, 2020 Orders and this Order.
4. The March 16, 2020 Food and Beverage Order (as amended) otherwise remains in effect except as amended by the May 22, 2020 Order.
5. Establishments and public-facing businesses that encourage public congregation or that, by the nature of the service to the public, cannot comply with CDC guidelines concerning social distancing, that were ordered to cease all in-person operations under the March 16, 2020 Food and Beverage Order or the March 17, 2020 Public-Facing Businesses Order remain prohibited from conducting all in-person operations unless otherwise provided in May 22, 2020, the June 1, 2020, the June 3, 2020, or the June 8, 2020 Orders and this Order.
6. For the avoidance of doubt, all public facing-businesses permitted to operate must to the extent practicable implement Centers for Disease Control guidance, including:
 - maintaining a distance of 6 feet between persons;
 - ensuring employees practice appropriate hygiene measures, including regular, thorough handwashing;
 - ensuring that employees who are sick remain home; and
 - regularly cleaning and disinfecting frequently touched objects and surfaces.
7. Failure to follow the requirements provided in this Order and any other Executive Order and any Cabinet Order, including but not limited to the Orders of the Cabinet for Health and Family Services, is a violation of the Orders issued under KRS Chapter 39A, and could subject businesses to closure or additional penalties as authorized by law.
8. The Department for Public Health hereby delegates to local health departments the authority to take all necessary measures to implement this Order.

The Secretary for the Cabinet for Health and Family Services has been designated by the Governor to deliver these directives during this public health emergency. The Cabinet for Health and Family Services will continue to provide information and updates during the duration of this Public Health Emergency. Prior orders of the Cabinet for Health and Family Services remain in effect unless inconsistent with this Order.



Steven J. Stack, M.D.
Commissioner of Public Health
Department for Public Health
Cabinet for Health and Family Services



Eric Friedlander
Secretary
Governor's Designee

Guidance for Youth Sports and Athletic Activities

Timeline For Reopening Youth Sports

JUNE 15, 2020

- **Low touch, outdoor youth sports and athletic activities** (e.g., track and field, biking, tennis, golf, horseback riding, and cross-country, and baseball/softball/teeball) may resume practices without competition. Practices should consist of ten (10) youths or fewer, with no more than one (1) adult coach per group, while following the Healthy at Work social distancing [Guidelines for Groups of 10 People or Fewer](#). Multiple groups may practice but must adhere to the social distancing guidelines in the next section. Any individual not essential for the conduct of these practices should not attend.
- **Low touch, indoor youth sports and athletic activities** (e.g. gymnastics, swimming, diving, bowling, solo-dance/solo-ballet, tap-dance, and archery) may resume small group practices and workouts without competition. Practices and workouts should consist of ten (10) youths or fewer, with no more than one (1) adult coach per group, while following the Healthy at Work social distancing [Guidelines for Groups of 10 People or Fewer](#). Practices are limited to socially distanced, no touch¹, low sharing² skills training, unless necessary to protect the health or safety of a youth participant. Multiple groups may practice but must adhere to the social distancing guidelines in the next section. Any individual not essential for the conduct of these practices should not attend.
- **High touch, indoor youth sports and athletic activities** (e.g. karate/martial arts, basketball, cheerleading, tandem or team dance, ice hockey, volleyball, fencing, wrestling) may hold small group physical fitness workouts, exercises, and skills training of ten (10) youths or fewer, with no more than one (1) adult coach

¹ “No touch” means no physical contact between youth athletes is permitted. All individuals must avoid physical contact with others including high fives, huddles, or other close contact occurring before, during, or after activities unless the contact is for the purpose of safety. Scrimmages and games are not permitted. “Low touch” means only minimal, necessary contact between youth athletes is permitted.

² “Low sharing” means minimal, necessary sharing of youth sports and athletic activity equipment between youth athletes (e.g. limiting shared items to groups of ten (10) or fewer). “Medium sharing” means moderate levels of sharing of youth sports and athletic activity equipment between youth athletes (e.g. limiting shared items to groups of fifty (50) or fewer). Shared equipment must be sanitized between uses to the greatest extent practicable.

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per group, while following the Healthy at Work social distancing [Guidelines for Groups of 10 People or Fewer](#). No competition is permitted. Skills training must be socially distanced, no touch, and low sharing, unless necessary to protect the health or safety of a youth participant. Multiple groups may conduct small group physical fitness workouts, exercises, and skills training but must adhere to the social distancing guidelines in the next section. Any individual not essential for the conduct of these practices should not attend.

- **High touch, outdoor youth sports and athletic activities** (e.g. football, soccer, lacrosse, flag football, field hockey) may resume small group physical fitness workouts, exercises of (10) youths or fewer, with no more than one (1) adult coach per group, while following the Healthy at Work social distancing [Guidelines for Groups of 10 People or Fewer](#). No competition is permitted. Skills training must be socially distanced, no touch, and low sharing, unless necessary to protect the health or safety of a youth participant. Multiple groups may hold small group physical fitness workouts and exercises, but groups must adhere to the social distancing guidelines in the next section. Any individual not essential for the conduct of these practices should not attend.

JUNE 29, 2020

- **Low touch, outdoor youth sports and athletic activities** may resume competition with up to fifty (50) spectators following the Healthy at Work social distancing [Guidelines for Groups of 50 People or Fewer](#). Competitions, practices, and other activities must adhere to the social distancing guidelines in the next section.
- **Low touch, indoor youth sports and athletic activities** may resume competition with up to fifty (50) spectators, following the Healthy at Work social distancing [Guidelines for Groups of 50 People or Fewer](#). Competitions, practices, and other activities must adhere to the social distancing guidelines in the next section.
- **High touch, indoor youth sports and athletic activities** may resume team/group practices without competition. Youth participants should be subdivided into small groups of ten (10) youths or fewer, with no more than one (1) adult coach per group, while following the Healthy at Work social distancing [Guidelines for Groups of 10 People or Fewer](#). All team/group practices are limited to fifty (50) youths or fewer, in accordance with the Healthy at Work social distancing [Guidelines for Groups of 50 People or Fewer](#). Practices are limited to low touch, medium

sharing activities, unless necessary to protect the health or safety of a youth participant. Multiple groups may practice but must adhere to the social distancing guidelines in the next section.

- **High touch, outdoor youth sports and athletic activities** may resume team/group practices without competition. Youth participants should be in subdivided small groups of ten (10) youths or fewer, with no more than one (1) adult coach per group, while following the Healthy at Work social distancing [Guidelines for Groups of 10 People or Fewer](#). All team/group practices are limited to fifty (50) youths or fewer, in accordance with the Healthy at Work social distancing [Guidelines for Groups of 50 People or Fewer](#). Practices are limited to low touch, medium sharing activities, unless necessary to protect the health or safety of a youth participant. Multiple groups may practice but must adhere to the social distancing guidelines in the next section.

Pursuant to KRS 156.070 and 702 KAR 7:065, common and private school facilities will receive additional compliance guidelines, restrictions and allowances from the Kentucky Department of Education through its designee, the Kentucky High School Athletic Association, including requirements for facility use by school and non-school teams.

Social Distancing Requirements

League officials, coaches, and other responsible adults should do the following:

- Establish procedures to ensure youth athletes are socially distanced to the greatest extent practicable at all times. League officials, coaches, and other responsible adults should emphasize physical and cardiovascular fitness and individual skill building activities and limit group/team activities. League officials, coaches, and other responsible adults developing activities and practices should consider that older youth might be better able to follow directions for social distancing and take other protective actions.
- Modify workouts, exercise, skills training, practices, competitions to increase distance between athletes, coaches, officials, and spectators, to the greatest extent practicable. During rest periods or other periods of inactivity social distancing should be increased and congregating eliminated.
- Space youth athletes at least six (6) feet apart on the field while participating in the youth sport or athletic activity during warmup, skill building activities, and simulation drills.
- Ensure that during team/group practices, physical fitness workouts, exercises, or skills training where youth athletes are subdivided small groups, that each small groups remains together and separated from other groups to the greatest extent practicable. For example, groups should work through stations, rather than switching groups or mixing groups.

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- Discourage unnecessary physical contact, such as high fives, handshakes, fist bumps, or hugs. To encourage sportsmanship league officials, coaches, and other responsible adults should encourage alternative, socially distanced, signs of mutual respect. (e.g. tip the cap, wave, salute, bow).
- Eliminate, to the greatest extent practicable, touching of shared equipment and gear (e.g., protective gear, balls, bats, racquets, mats, or water bottles). Where practicable, league officials, coaches, and other responsible adults should provide individual, non- shared equipment to youth athletes. Where not practicable, league officials, coaches, and other responsible adults should encourage youth athletes to provide their own equipment and water bottles.
- Ensure that youth athletes in high-touch sports and activities only play “full contact” during game/competition situations.
- Encourage parents and custodial adults to monitor their own child (e.g. younger children could sit with parents or caregivers).
- Minimize the level of contact between youth athletes who may be at higher risk for severe illness, such as children who may have asthma, diabetes, or other health problems. <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>. League officials, coaches, and other responsible adults are encouraged to offer virtual coaching and in-home drills for youth athletes at a higher risk for severe illness.
- Limit any nonessential visitors, spectators, volunteers, and activities involving external groups or organizations.
- Decrease team sizes to the greatest extent practicable..
- Eliminate travel competitions or scrimmages outside of the local community (e.g., neighborhood, town, or community).
- Educate staff and youth athlete families about when they should stay home and when they can return to activity.
- Direct coaches, staff, families, and youth athletes to stay home and/or seek medical attention if they have tested positive for or are showing symptoms of COVID-19.
- Prohibit individuals, including coaches, players, and families, who have recently had a close contact with a person with COVID-19, from participating in youth sports and athletic activities.
- Identify staff to help maintain social distancing among youth athletes, coaches, umpires/referees, and spectators.
- Prohibit sick coaches, staff members, umpires/officials, or youth athletes from returning until they have met CDC’s criteria to discontinue home isolation

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<https://www.cdc.gov/coronavirus/2019-ncov/hcp/disposition-in-home-patients.html>.

- Prioritize outdoor, as opposed to indoor, practice and play as much as possible.
- Create distance between youth athletes when explaining drills, rules, or other instruction.
- Emphasize physical and cardiovascular fitness individual skill work and drills to the greatest extent practicable.
- Direct youth athletes to wait in their cars with their parent or other custodial adult until just before the beginning of a practice, warm-up, game, or other activity.
- Eliminate the use of carpools or van pools. When riding in an automobile to a sports event, encourage youth athletes to ride to the sports event with persons living in their same household.
- Stagger arrival and drop-off times or locations by group or put in place other protocols to limit contact between groups and with parents, custodial adults, and spectators as much as possible. For example, league officials, coaches, and other responsible adults should increase the amount of time between practices and competitions to allow for one group to depart before another group enters the facility.
- Limit youth sports participation to staff and youth who live in the local geographic area (e.g., community, city, town, or county) to reduce risk of spread from areas with higher levels of COVID-19.
- Stage, to the greatest extent practicable, intra-squad scrimmages instead of playing games with other teams to minimize exposure among players and teams.
- Limit any nonessential visitors, spectators, volunteers, and activities involving external groups or organizations as much as possible – especially with individuals not from the local geographic area (e.g., community, town, city, or county).
- Designate a youth sports program staff person to be responsible for responding to COVID-19 concerns. All coaches, staff, officials, and families should know who this person is and how to contact them.
- Establish protocols for notifying staff, officials, families, and the public of youth sports facility closures and restrictions in place to limit COVID-19 exposure (e.g., limited hours of operation).
- Implement flexible sick leave policies and practices for coaches, officials, and staff that enable employees to stay home when they are sick, have been exposed, or caring for someone who is sick.
- Develop policies for return-to-play after COVID-19 illness.
- Virtually train coaches, officials, and staff on all safety protocols.

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- Prohibit congregating of youth athletes, spectators, families, coaches, officials, and other persons prior to or following practices or athletic events.
- Maintain a complete list of coaches, youth athletes, and league officials present at each event to include the date, beginning and ending time of the event, plus, name, address, and phone contact to be made available upon request from local health department
- Ensure team meetings occur virtually or over the phone.
- Alert the local health department of the event prior to competitive tournaments.
- prohibit spitting or eating of seeds, gum, or similar products.
- Share these requirements with all youth athletes, coaches, spectators, officials, and employees prior to the beginning of the program.

Facilities holding youth sports and athletic activities, as well as league officials, coaches, and other responsible adults should do the following:

- Provide physical guides, such as signs and tape on floors or playing fields, to make sure that coaches and youth athletes remain at least 6 feet apart.
- Establish flexible worksites (e.g., telework), flexible work hours (e.g., staggered shifts), and policies for social distancing between employees, staff, and others
- Stagger the use of lockers, and clean and disinfect locker rooms between uses.
- Install touchless sensors on sinks and hand dryers to the greatest extent practicable.
- Install digital check-in and registrations as well as touch-free entries and exits to the greatest extent practicable.
- Eliminate “lost and found” bins, saunas, steam rooms, water coolers, and water fountains, to the greatest extent practicable.
- Ensure that controls are established to ensure social distancing in locker rooms, including disabling lockers to enforce six (6) feet of social distancing. Facilities holding youth sports and athletic activities should discourage use of locker rooms or consider measures to socially distance youth athletes (e.g. closing every other locker or groups of lockers in order to space out usage) and sanitize frequently.
- Dugouts or other areas where social distancing is not possible should not be used.

Cleaning and Disinfecting Requirements

League officials, coaches, and other responsible adults should do the following:

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- Create and post a cleaning and sanitizing plan specific to the youth sport or athletic activity, describing how additional cleaning and sanitizing will be implemented.
- Sanitize equipment and used items before, during, and after every event. If equipment cannot be sanitized during the activity, only participants of a single team/group must use equipment and items related to the activity and opposing participants or group members must avoid touching that equipment.
- Set aside touched or shared equipment that requires sanitation and encourage youth athletes to keep their individual equipment separate from the equipment of other athletes.
- Ensure that their programs, including locker rooms, common areas, breakrooms and restrooms are properly cleaned and ventilated.
- Ensure that staff members/employees and youth athletes practice hand hygiene frequently. For younger youth athletes assistance may be required.
- Provide hand sanitizer (as appropriate), handwashing programs, tissues and waste baskets in convenient locations to the greatest extent practicable.
- Establish a cleaning and disinfecting process that follows CDC guidelines to address when any individual is identified, suspected, or confirmed as a COVID-19 case.
- Ensure employees do not use cleaning procedures that could re-aerosolize infectious particles. This includes, but is not limited to, avoiding practices such as dry sweeping or use of high-pressure streams of air, water, or cleaning chemicals.
- Clean and disinfect frequently touched surfaces on the field, court, or play surface (e.g., drinking fountains) at least daily, or between uses as much as possible. Use of shared objects and equipment (e.g., balls, bats, gymnastics equipment) should be limited, or cleaned between use by each individual if possible.
- Ensure there are adequate supplies of shared items to minimize sharing of equipment to the extent possible (e.g., protective gear, balls, bats, water bottles); otherwise, limit use of supplies and equipment to one group of youth athletes at a time and clean and disinfect between use.
- Ensure that, if food is offered at any event, meals be pre-packaged boxes or bags for each attendee instead of a buffet or family-style meal. Avoid sharing food and utensils. Offer hand sanitizer or encourage hand washing.
- Ensure ventilation systems or fans operate properly. Increase circulation of outdoor air as much as possible, for example by opening windows and doors. Do not open windows and doors doing so poses a safety or health risk (e.g., risk of falling or triggering asthma symptoms) to players or others using the facility.
- Support healthy hygiene by providing supplies including soap, paper towels, tissues, and

no-touch/foot pedal trash cans. If hand washing facilities are not available, provide hand sanitizer with at least 60% alcohol (for coaches, staff and older players who can safely use hand sanitizer).

- Should close off areas used by a sick person and do not use these areas until after cleaning and disinfecting them (for outdoor areas, this includes surfaces or shared objects in the area, if applicable).
- Should wait at least 24 hours before cleaning and disinfecting. If 24 hours is not feasible, wait as long as possible.

Screening and Illness Requirements

League officials, coaches, and other responsible adults should

- Conduct daily health checks (e.g., symptom checking) of coaches, officials, staff, and youth athletes safely and respectfully to the greatest extent practicable.
- Use examples of approved screening methods found in CDC's supplemental Guidance for Child Care Programs that Remain Open as a guide for screening children, and CDC's General Business FAQs for screening staff.
- Staff members who demonstrate symptoms of COVID-19 must be tested for the illness.
- Should direct coaches, staff, families, and youth athletes that test positive for COVID-19 to follow the recommendations of their local health department on when to return to the youth sport or activity.
- Ensure that when a youth athlete shows a fever or other contagious symptoms, the youth athlete is moved to a safe, secluded area until the youth athlete's parent or custodial adult can pick-up the youth athlete.
- Notify all league families and youth athletes of a diagnosed case of COVID-19 in the program, while still protecting the privacy of the diagnosed individual.
- Encourage coaches, staff, umpires/officials, and families of youth athletes to self-report to the youth sports organization if they have symptoms of COVID-19, a positive test for COVID-19, or were exposed to someone with COVID-19 within the last 14 days.

Personal Protective Equipment (PPE) Requirements

League officials, coaches, and other responsible adults should do the following:

- Wear face coverings at all times, unless doing so would represent a serious risk to their health or safety.

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- Ensure youth athletes wear cloth face coverings or masks when not actively participating in the youth sport or athletic activity, unless doing so would represent a serious risk to their health or safety. Youth athletes who are five (5) years of age or under should not wear masks due to increased risks of suffocation and strangulation.
- Recommend to the parents of children over five (5) that their child wear a mask and provide information about the benefits of masking.
- Establish a policy as to whether to allow parents, custodial adults, or other spectators attend youth sports competitions or events if the individual refuses to wear a face covering or comply with social distancing guidelines.
- Ensure gloves are available to staff members, coaches, volunteers engaging in high-touch activity to the greatest extent practicable provided that they do not create additional hazards while being worn.
- Ensure, to the greatest extent practicable, that cloth face coverings or masks be worn by coaches, youth sports staff, officials, parents, and spectators as much as possible.
- Provide youth athletes and their families information on proper use, removal, and washing of cloth face coverings.
- Establish a policy as to whether youth athletes, who do not adhere to these guidelines or its own policy on requiring masks, will be allowed to participate in that youth sport or athletic activity. League officials, coaches, and other responsible adults may choose not to allow a youth athlete to participate if the athlete refuses to wear a mask or comply with social distancing guidelines.
- Ensure that staff, volunteers, coaches, youth athletes are trained how to properly clean cloth face coverings and masks.
- Ensure that staff, volunteers, coaches use gloves when cleaning equipment, facilities, or other items requiring sanitation.

Training and Safety Requirements

Facilities holding youth sports and athletic activities (e.g. competitions, recitals, tournaments, practices, games) should do the following:

- Place conspicuous signage at entrances and throughout the facility alerting youth athletes and spectators of the guidelines for the facility and the event. Signage should inform youth athletes and spectators about good hygiene and new practices.
- Establish procedures for disinfecting high-touch surfaces (seating, locker rooms, etc.).
- Post signage at entrance that no one with a fever or symptoms of COVID-19 may enter the facility.

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- Implement, to the greatest extent practicable, reserved seating for spectators at higher risk for severe illness per CDC guidelines.
- Ensure employees are informed that they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure at the workplace. All education and training should be communicated in the language best understood by the individual receiving the education and training.
- Broadcast regular announcements on public announcement system, encouraging COVID-19 prevention and new policies and behaviors that prevent spread of COVID-19.
- Establish scheduling policies to ensure additional time is available to clean and disinfect between uses, where a facility is shared.
- Ensure parents, custodial adults, youth athletes, and spectators are informed that they may identify and communicate potential improvements and concerns in order to reduce the risk of exposure at the workplace. All education and training should be communicated in the language best understood by the individual receiving the training.
- Place emphasis on progressive training where general conditioning is emphasized first, followed by strength and body conditioning and then moving on to anything sports specific.

Other Requirements

- Facilities holding youth sports and athletic events must comply with the [Healthy at Work Minimum Requirements](#).

- Facilities holding youth sports and athletic events that contain:

aquatic centers must follow the [Healthy at Work Requirements for Aquatic Centers](#).

fitness centers or other weight lifting and strength building equipment must follow the [Healthy at Work Requirements for Fitness Centers](#).

bowling alleys must follow the [Healthy at Work Requirements for Bowling Alleys](#).

horse tracks/arenas must follow the [Healthy at Work Requirements for Horse Shows](#) and/or [Healthy at Work Requirements for Racetracks](#) as applicable.

dining areas, snack bars, concession stands must follow the [Healthy at Work Requirements for Restaurants](#).

Requirements for Childcare Programs¹

In addition to the Healthy at Work Minimum Requirements, childcare programs must meet the requirements below in order to reopen and remain open:

Timeline For Reopening Childcare Programs

JUNE 8, 2020

- In-home childcare programs (Type 2, Certified, and Registered Providers) may reopen subject to the requirements below; Limited Duration Childcare programs will remain open.

JUNE 15, 2020

- Center-based licensed childcare programs and day camps may reopen to all patrons subject to the requirements below.

Regulatory Requirements for Childcare Programs

- Since childcare programs were only required to pause their services, the Division of Regulated Childcare will operate as if all programs are reopening on the dates listed above. If a program chooses to postpone opening or permanently close, the program will need to immediately contact the Division of Regulated Childcare to update their status.
- When childcare programs reopen, they will not need to redo background checks for all previously employed staff members due to the rapback feature on KARES. They will need to update the KARES background check database for any employees that have left the programs' employment during the closure.
- The childcare programs will also need to contact the ECE-TRIS database and remove employees from the database that have left the programs' employment during the closure.
- If there is a new childcare program director when the program reopens, director change paperwork will need to be filed with the Division of Regulated Childcare immediately.

¹ Childcare programs includes summer day camps for children.

Social Distancing Requirements for Childcare Programs

- All childcare programs will need to utilize a maximum group size of ten children per group. Registered and certified providers will still need to implement their lower maximum group sizes listed in regulations.
- The square footage requirement of space per child is still required, so a center cannot place ten children in a classroom if the Division of Regulated Childcare has approved the room for a smaller number of children.
- Ratios for children under the age of twenty-four months will still be in place, so those classrooms will need to have two adults present if caring for the maximum classroom size of ten children.
- Children will remain in the same group of ten children all day without being combined with another classroom.
- Those approved to be in a childcare program are limited to:
 - Facility staff
 - Persons with legal authority to enter (first responders, Department for Community Based Services, Division of Regulated Childcare, etc.).
 - Necessary utility workers
 - Professionals providing medical/therapeutic services for children with special needs
 - Children enrolled in the facility
 - Parents or legal guardians of children enrolled in the program
 - In family childcare homes, the family members who live in the home of the approved childcare provider may also be in the childcare program.
- Childcare programs may not provide access to visitors or students conducting classroom observations.
- The same staff members should work with the same children each day in order to reduce additional exposure, including the staff members that give breaks to primary staff members.
- With families' permissions (if children are in the videos), childcare programs may use video/virtual observations for practicum students and virtual tours for perspective families.
- Childcare programs shall stagger playground time between classroom groups.
- Childcare programs will not hold center-wide family events.
- Childcare programs will not hold field trips.

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- Childcare programs will use a centralized drop-off and pick-up location to eliminate unnecessary traffic to classrooms and exposure of children. Childcare programs must, to the greatest extent practicable, conduct pick-up and drop-off each day in a manner that ensures social distancing. Childcare staff members should operate child pick-up and drop-off by class.
- Childcare programs should, if practicable, demarcate spots on the ground spread at six (6) foot intervals immediately outside the facility where parents and custodial adults may safely wait to pick-up children. Childcare programs should encourage parents and custodial adults to wear cloth face coverings or masks during pick-up and drop-off.
- Childcare programs should, to the greatest extent practicable, encourage staff members to conduct group activities that can be performed while observing social distancing (e.g. coloring/painting) and limiting sharing of toys/items.
- Childcare programs must establish a pick-up and drop-off procedure and schedule to ensure that children are entering and leaving one at a time.
- Childcare programs are encouraged to provide outdoor instructions for children of appropriate age. Childcare programs holding outdoor fitness classes must follow the Healthy at Work Guidelines for [Groups of 10 People or Fewer](#) for those classes.
- Childcare programs must eliminate “lost and found” bins.
- Childcare programs should discontinue use of water fountains to the greatest extent practicable. Childcare programs should encourage customers to bring their own water bottles.
- Childcare programs must eliminate use of high-contact sports/team sports areas (e.g. basketball courts, football fields, and soccer fields) until such time as requirements/guidance are issued for those activities.
- Childcare programs contained within any other business that has reopened must follow the Minimum Requirements and specific requirements for that business. These are available at [Healthy at Work](#).
- Childcare programs should provide services and conduct business via phone or Internet to the greatest extent practicable. Any employees who are currently able to perform their job duties via telework (e.g., accounting staff) should continue to telework.
- Childcare programs should, to the greatest extent practicable, modify traffic flow to minimize contacts between employees and children.

- Childcare programs should ensure employees use digital files rather than paper formats (e.g., documentation, invoices, inspections, forms, agendas) to the greatest extent practicable.
- Childcare programs should communicate with parents and custodial adults and receive payments through contactless payment options (e.g., phone or Internet), to the greatest extent practicable. For those programs that cannot use contactless payments, the program should demark safe waiting distances of six (6) feet minimums in cashier queuing areas.
- Childcare programs must discourage employees from sharing phones, desks, workstations, handhelds/wearables, or other work tools and equipment to the greatest extent practicable.
- Childcare programs must ensure that controls are established to ensure social distancing in locker rooms, including disabling lockers to enforce six (6) feet of social distancing. Childcare programs should discourage use of locker rooms.
- Childcare programs must ensure limited use of restroom programs at any one time based on the facility size and current social distancing guidelines.

Cleaning and Disinfecting Requirements for Childcare Programs

- Each childcare program will create and post a cleaning and sanitizing plan specific to the individual childcare program and describe how additional cleaning and sanitizing will be implemented in the childcare program. Toys that cannot be cleaned and sanitized should not be used.
- Toys that children have placed in their mouths or that are otherwise contaminated by bodily secretions should be set aside until they are cleaned by hand by a person wearing gloves.
- Machine washable cloth toys should not be used at this time.
- Group of infants or toddlers cannot use shared toys unless they are washed and sanitized before being moved from one group to the other.
- Childcare programs must set aside toys that need to be cleaned by putting them separate container marked for soiled toys until they can be cleaned.
- Children's books, like other paper-based materials, are not considered a high risk for transmission and do not need additional cleaning or disinfection procedures. Plastic infant and toddler books may be cleaned and sanitized as the material allows.
- Use bedding (sheets, pillows, blankets, sleeping bags) that can be washed. Keep each child's bedding separate, and consider storing in individually labeled bins, cubbies, or

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bags. Bedding that touches a child's skin should be cleaned weekly or before any use by another child.

- Classrooms will not utilize family style dining. Staff will prepare plates and pass them out to the individual children.
- No transportation will be offered at childcare programs while the public school system is closed. When the public school system resumes classes, childcare programs will model the transportation policies of the Kentucky Department of Education.
- Childcare programs must ensure that their programs, including locker rooms, common areas, breakrooms and restrooms are properly cleaned and ventilated.
- Childcare programs must ensure that staff members/employees and children practice hand hygiene frequently. For example, staff members and children should wash or sanitize their hands in the following circumstances: upon arrival for the day, after breaks, upon returning from outside, after toileting or assisting a child with toileting, after each diaper change or pull-up change, after contact with bodily fluids or cleaning up spills or objects contaminated with bodily fluids, after cleaning or sanitizing or using any chemical products, after handling pets, pet cages or other pet objects that have come in contact with the pet, before eating, serving or preparing food or bottles or feeding a child, before and after completing a medical procedure or administering medication, when visibly soiled (must use soap and water), and prior to departure. This may require facility staff to assist children with hand hygiene.
- Childcare programs must encourage staff members/employees and children to limit touching their mouth, nose, and face.
- Childcare programs must provide hand sanitizer (as appropriate), handwashing programs, tissues and waste baskets in convenient locations to the greatest extent practicable.
- Childcare programs making restrooms or locker rooms available must ensure frequently touched surfaces are regularly disinfected (e.g., door knobs and handles).
- Childcare programs must ensure cleaning and sanitation of frequently touched surfaces with appropriate disinfectants, in accordance with appropriate Kentucky childcare standards.
- Childcare programs must establish a cleaning and disinfecting process that follows CDC guidelines to address when any individual is identified, suspected, or confirmed as a COVID-19 case.
- Childcare programs must ensure employees do not use cleaning procedures that could re-aerosolize infectious particles. This includes, but is not limited to, avoiding practices such as dry sweeping or use of high-pressure streams of air, water, or cleaning chemicals.

Screening and Illness Requirements

- Children and adults will be screened for fever and contagious symptoms upon entry into the childcare program consistent with the Minimum Requirements.
- Childcare program staff members who demonstrate symptoms of COVID-19 must be tested for the illness.
- Children or adults that test positive for COVID-19 must follow the recommendations of their local health department on when to return to the childcare program.
- When a child shows a fever or other contagious symptoms, the child must be removed from the classroom immediately and placed in a safe, secluded area. The parent or guardian must remove the child from the childcare program within one hour.
- Childcare programs must notify enrolled families and staff of a diagnosed case of COVID19 in the program, while still protecting the privacy of the diagnosed individual.

Personal Protective Equipment (PPE) Requirements

- Adults must wear a face mask while inside a childcare program (in-home or center-based) unless doing so would represent a serious risk to their health or safety or they are more than 6 feet away from any other individual.
- Children who are five (5) years of age or under should not wear masks due to increased risks of suffocation and strangulation. Childcare programs may recommend to the parents of children over five (5) that their child wear a mask and provide information about the benefits of masking.
- Childcare providers should wear gloves while serving food and preparing bottles. Gloves should be changed between bottle feedings.
- Childcare programs should make masks available for parents and custodial adults where in-facility interaction is necessary. Parents and custodial adults may bring and use their own face mask. If parents or custodial adults, suppliers, or vendors refuse to wear masks, the facility may refuse those individuals entrance to the facility.
- Childcare programs should establish a policy as to whether to allow parents or custodial adults enter the facility if the parent or custodial adult refuses to adhere to the facility's policy to adhere to CDC guidelines.
- Childcare programs must ensure employees use gloves, along with any PPE normally used for routine job tasks, when cleaning equipment, toys, playspaces, workspaces, and high-touch areas of the facility.

- Childcare programs must ensure gloves are available to employees engaging in high-touch activity to the greatest extent practicable provided that they do not create additional hazards while being worn.
- Childcare programs must ensure employees wear gloves while handling products during drop-off and pick-up as well as during any shipping and receiving.

Training and Safety Requirements

- Childcare programs must have required cleaning supplies and PPE (masks, latex/non-latex gloves) on site before they can reopen their facility. Childcare Aware staff will screen programs to make sure that supplies are on site prior to opening.
- All staff members will need to take a refresher training on cleaning and sanitizing procedures, as well as mandatory reporting of child abuse before the date that their program reopens. Limited Duration Childcare staff members will need to complete their training before their program transitions back to a licensed or certified program.
- Centers will not be penalized if staff members did not complete required training hours during the childcare closure. Childcare programs will begin annual training hours again on July 1, 2020, and they will have until June 30, 2021 for providers to complete their annual required training hours.
- Additional monitoring will be conducted to verify compliance with the additional preventative measures required due to the pandemic. The Division of Regulated Childcare will conduct monitoring for enhanced health and safety requirements along with required annual inspections. Childcare Aware coaches will assist with preventative monitoring by assisting centers prior to their reopening date to make sure they are prepared to open for children. Childcare Aware coaches and Childcare Health Consultants will assist centers with implementing new preventative requirements once the centers are open.
- Annual visits from the Division of Regulated Childcare will begin soon after childcare programs reopen.
- All childcare providers with a completed and approved KARES background check are ready to return to the classroom and safely be left alone with children.
- Since the statewide fingerprint background check system has not yet reopened, new childcare providers will have to file name-based background checks prior to starting in the center. They will not be left alone with children until the named-based background checks are sent back to the childcare facility with an approved status. Once the fingerprint background system reopens, the employees will go and complete the fingerprint system once time and staffing at the DCBS regional offices will allow for them to receive an appointment.

Healthy at Work



- Childcare programs must train staff/employees to use PPE. This training includes: when to use PPE; what PPE is necessary; and how to properly put on, use, and remove PPE.
- Childcare programs must establish log-in procedures and maintain that information for potential contact notification
- Childcare programs should ensure employees are informed that they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure at the workplace. All education and training must be communicated in the language best understood by the individual receiving the education and training.