

Summary of Governor Lee (TN) Executive Orders No. 21 and 22
Regarding COVID-19

Executive Order No. 21¹

On March 30, 2020, Governor Lee issued Executive Order No. 21, an order amending Executive Order No. 17 to further mitigate the spread of COVID-19 by limiting non-essential services and gatherings. The order expands the services and venues that perform close-contact personal services that are required to not be open to the public. The Order also amends the effective date in Executive Order No. 17, so that the order remains effective until midnight CDT on April 14, 2020.

The Order directs the **closure of businesses or organizations that perform close-contact personal services**, including, but not limited to:

- Barber shops;
- Hair salons;
- Waxing salons;
- Threading salons;
- Nail salons or spas;
- Spas providing body treatments;
- Body-art facilities or tattoo services;
- Tanning salons; or
- Massage-therapy establishments or massage services.

The Order directs **Closure of entertainment and recreational gathering venues** including, but not limited to:

- Night clubs;
- Bowling alleys;
- Arcades;
- Concert venues;
- Theaters, auditoriums, performing arts centers, or similar facilities;
- Racetracks;
- Indoor children's play areas;
- Adult entertainment venues;
- Amusement parks; or
- Roller or iceskating rinks.

Executive Order No. 22²

On March 30, 2020, Governor Lee issued Executive Order No. 22, an order directing Tennesseans to stay home unless engaging in essential activities to limit their exposure to and

¹ <https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee21.pdf>

² <https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee22.pdf>

spread of COVID-19. This order will take effect at midnight CDT on April 1, 2020, and remain enforceable through April 14, 2020.

- The Order directs the following:
 - Tennesseans are urged, but not mandated, to stay at home as much as possible for a temporary period of time, except for when engaging in Essential Activity or Essential Services as defined in the Order.
 - **Closure of non-essential business for public use.** Businesses or organizations that do not perform Essential Services shall not be open for access or use by the public or its members. Those businesses may provide delivery, including delivery curbside outside, of online or telephone orders, to the greatest extent practicable, and persons are encouraged to use any such options to support such businesses during this emergency.
 - All critical infrastructure remains operational, and government entities and businesses will continue providing important and essential services.
 - Essential Activity and Essentials Services should be limited, and when engaged in Essential Activity or Essential Services, persons shall at all times follow the Health Guidelines to the greatest extent practicable.
 - Employers shall not require or allow employees with COVID-19 to work until that employee has satisfied the conditions for discontinuing home isolation under CDC guidelines.
 - Nothing in this Order precludes an employer from encouraging, allowing, or requiring an employee to work remotely or via telework as a method of conducting Essential Services, where practicable.
- **Essential Activities are defined within the following categories.** *Select Ctrl + click the title of each category for further details.*
 - 1) [Activities essential to health and safety](#);
 - 2) [Obtaining necessary services or supplies](#);
 - 3) [Providing, facilitating, or receiving delivery or curbside carry-out delivery](#);
 - 4) [Engaging in outdoor activity](#);
 - 5) [Caring for or visiting a family member, friend, or pet](#);
 - 6) [Visiting a place of worship or attending a wedding or funeral](#); and
 - 7) [Engaging in Essential Travel](#).
 - 1) **Activities essential to health and safety** including, but not limited to, seeking emergency services, obtaining medical supplies or assistance, obtaining medication, obtaining non-elective medical care or treatment or other similar vital services, or visiting a health care professional.

- 2) **Obtaining necessary services or supplies** including, but not limited to, groceries and food, household consumer products, supplies required to work from home, automobile supplies (including dealers, parts, supplies, repair, and maintenance), and products necessary to maintain the safety, sanitation, and essential operation of residences.
 - 3) **Providing, facilitating, or receiving delivery or curbside carry-out delivery** of online or telephone orders from businesses or organizations that do not perform or are not necessary for the performance of Essential Activity.
 - 4) **Engaging in outdoor activity**, provided that persons the Health Guidelines are followed to the greatest extent practicable, including, but not limited to, driving or riding in a vehicle, walking, hiking, running, biking, swimming, kayaking, canoeing, golf, tennis, or other sports or recreational activities, utilizing public parks and outdoor recreation areas; provided, however, that congregating or playing on playgrounds is not covered as an Essential Activity due to the unique risk it presents for the spread of COVID-19.
 - 5) **Caring for or visiting a family member, friend, or pet** in another household, or transporting or traveling with family members, friends, or pets as allowed by this Order; provided, that the Health Guidelines are followed to the greatest extent practicable.
 - 6) **Visiting a place of worship or attending a wedding or funeral**; provided, that the Health Guidelines are followed to the greatest extent practicable. It is strongly encouraged that the public celebration component of weddings and funerals be postponed or attended only by close family members.
 - 7) **Engaging in Essential Travel**, which is defined as:
 - Travel related to Essential Activity or otherwise permitted by this Order;
 - Travel related to performing Essential Services;
 - Travel to care for the elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
 - Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
 - Travel to and from outside of the State of Tennessee; or
 - Travel required by law, law enforcement, or court order, including to transport children pursuant to a custody agreement.
- **Essential Services are defined within the following categories are defined as follows:**
Select Ctrl + click the title of each category for further details.
 - 1) [Health Care and Public Health Operations](#)
 - 2) [Human Services Operations](#)
 - 3) [Essential Infrastructure Operations](#)

- 4) [Essential Government Functions](#)
- 5) [Food and Medicine Stores](#)
- 6) [Food and Beverage Production and Agriculture](#)
- 7) [Organizations that Provide Charitable and Social Services](#)
- 8) [Religious and Ceremonial Functions](#)
- 9) [Media](#)
- 10) [Gas Stations and Businesses Needed for Transportation](#)
- 11) [Financial Institutions and Insurance Entities](#)
- 12) [Hardware and Supply Stores](#)
- 13) [Critical Trades](#)
- 14) [Mail, Post, Shipping, Logistics, Delivery, and Pick-up Services](#)
- 15) [Educational Institutions](#)
- 16) [Laundry Services](#)
- 17) [Restaurants for Off-Premises Consumption](#)
- 18) [Supplies to Work from Home](#)
- 19) [Supplies for Essential Businesses and Operations](#)
- 20) [Transportation](#)
- 21) [Home-based Care and Services](#)
- 22) [Residential Facilities and Shelters](#)
- 23) [Professional Services](#)
- 24) [Manufacturing, Distribution and Supply Chain for Critical Products and Industries](#)
- 25) [Hotels and Motels](#)
- 26) [Funeral Services](#)
- 27) [Any Business Related to Essential Activity](#)
- 28) [Any Business Operating at All Times with Ten \(10\) or Fewer Persons](#)
- 29) [Minimum necessary activities required to maintain any business or organization, whether otherwise essential or not.](#)
- 30) [Personnel in Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response](#)

1) **Health Care and Public Health Operations.** Includes, but is not limited to:

- hospitals, clinics;
- medical practices and services;
- mental health and substance abuse services;
- dental offices;
- pharmacies;
- public health entities, including those that compile, model, analyze, and communicate public health information;
- pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain components);
- organizations collecting blood, platelets, plasma, and other necessary materials;
- obstetricians and gynecologists;
- eye care centers, including those that sell glasses and contact lenses;
- home health care services providers;

- mental health and substance use providers;
- other health care facilities and suppliers;
- providers of any related and/or ancillary health care services;
- entities that transport and dispose of medical materials and remains;
- manufacturers, technicians, logistics, and warehouse operators, and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood, platelets, and plasma products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products;
- veterinary care and all health care services provided to animals.
- This also includes any medical or administrative personnel necessary to operate those functions in this paragraph.
- Health Care and Public Health Operations shall be construed broadly to avoid any impacts to the delivery of health care, broadly defined.
- Health Care and Public Health Operations does not include any procedures that would violate Executive Order No. 18, which remains in effect.

2) **Human Services Operations.** Includes, but is not limited to:

- government or government-funded human services to the public through state-operated, institutional, or community-based settings;
- long-term care facilities;
- day care centers, day care homes, or group day care homes;
- residential settings and shelters for adults, seniors, children, or people with developmental disabilities, intellectual disabilities, substance use disorders, or mental illness; transitional facilities;
- home-based settings to provide services to individuals with physical, intellectual, or developmental disabilities, seniors, adults, or children; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, child care, vocational services, rehabilitation services;
- developmental centers;
- adoption agencies;
- businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or individuals otherwise in need.
- Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

3) **Essential Infrastructure Operations.** Includes, but is not limited to:

- food production, distribution, and sale;
- construction-related services, including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, school construction, construction related to Essential Activity or Essential Services, and housing construction;
- building management and maintenance;
- landscape management;

- airport operations;
- operation and maintenance of utilities, including water, sewer, and gas;
- electrical services, including power generation, distribution, and production of raw materials; distribution centers;
- oil and biofuel refining;
- services related to roads, highways, railroads, ports, and public transportation;
- cybersecurity operations;
- flood control;
- solid waste and recycling collection, removal, and processing;
- and internet, video, and telecommunications systems and services, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services.
- Essential Infrastructure Operations shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

4) **Essential Government Functions.** Includes, but is not limited to:

- first responders, emergency management personnel, emergency dispatchers, and those supporting 911 and emergency services;
- legislators and legislative branch officials and employees, as determined by the Legislative Branch;
- judges, judicial branch employees, court personnel, jurors, and grand jurors, as determined by the Judicial Branch;
- law enforcement personnel;
- corrections and community supervision personnel;
- hazardous materials responders;
- election officials and operations;
- child protection and child welfare personnel;
- housing and shelter personnel;
- park personnel that provide admission, maintenance, and operation of park facilities that provide outdoor recreation;
- military; and
- other governmental employees working for or to support Essential Activity or Essential Services.
- Essential Government Functions also means all services provided by the State, the political subdivisions of the State, and boards, commissions, or agencies of government needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety, and welfare of the public.
- Essential Government Functions also includes contractors performing or supporting such functions.
- Each branch of government and government entity shall determine its Essential Government Functions and ensure a plan is in place for the performance of these functions.
- This does not apply to the United States government; provided, however, that any employee, official, or contractor of the United States government shall not be restricted from performing their functions under law.

- 5) **Food and Medicine Stores.** Includes, but is not limited to:
- stores that sell groceries and medicine;
 - grocery stores and supermarkets;
 - pharmacies;
 - farm and produce stands, and certified farmers' markets;
 - convenience stores;
 - and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, prepared food, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products);
 - and the supply chain and administrative support operations for Food and Medicine Stores, which includes stores that sell groceries or medicine, including medication not requiring a medical prescription, and also that sell other non-grocery products and products necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activity, and Essential Services.
- 6) **Food and Beverage Production and Agriculture.** Includes, but is not limited to:
- food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, fishing, baking, and other agricultural production, 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.
- 7) **Organizations that Provide Charitable and Social Services.** Includes, but is not limited to: businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, social services, and other necessities of life for economically disadvantaged or individuals otherwise in need, individuals who need assistance as a result of this emergency, or persons with disabilities.
- 8) **Religious and Ceremonial Functions.** Includes, but is not limited to: religious facilities, entities, groups, personnel, services, rites, and gatherings, including weddings and funerals, provided that the Health Guidelines set forth in Executive Order No. 22 are followed to the greatest extent practicable.
- 9) **Media.** Includes, but is not limited to: newspapers, books, television, radio, publishing, and other media services and related supply chain operations.
- 10) **Gas Stations and Businesses Needed for Transportation.** Includes, but is not limited to:
- gas stations, travel centers, and truck stops;
 - automotive suppliers, manufacturers, repair services, and related facilities;
 - roadside assistance operations;
 - farm and construction equipment related services;
 - boat repair services;
 - bicycle shops; and

- related facilities.

11) **Financial Institutions and Insurance Entities.** Includes, but is not limited to: banks, currency exchanges, consumer lenders, including but not limited to payday lenders, pawnbrokers, consumer installment lenders, sales finance lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, institutions selling financial products, insurance companies, underwriters, insurance agents, insurance brokers, and related insurance claims and agency services.

12) **Hardware and Supply Stores.** Includes, but is not limited to: Hardware stores and businesses that sell electrical, plumbing, and heating materials.

13) **Critical Trades.** Includes, but is not limited to:

- building and construction tradesmen and tradeswomen and other trades, including, but not limited to,
- plumbers,
- electricians,
- exterminators and pest control,
- cleaning and janitorial staff for commercial and governmental properties,
- security staff,
- operating engineers,
- HVAC,
- painting,
- moving and relocation services,
- and other manufacturing, distribution, retail or service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activity, and Essential Services, including electronic security and life safety services to assist with fire prevention and response, security, and emergency management and response.

14) **Mail, Post, Shipping, Logistics, Delivery, and Pick-up Services.** Includes, but is not limited to: post offices and other businesses that provide shipping and delivery services and businesses that ship or deliver groceries, food, alcoholic or non-alcoholic beverages, goods, vehicles, or services to end users or through commercial channels.

15) **Educational Institutions.** Includes, but is not limited to: public and private pre-K schools, K-12 schools, colleges, and universities for purposes of facilitating distance learning, providing food or shelter, performing critical research, or performing essential functions, provided that the Health Guidelines set forth in Executive Order No. 22 are followed to the greatest extent practicable. Schools providing food services to students or members of the public shall provide the food on a carry-out basis only and shall not permit the food to be eaten at the site where it is provided, consistent with Executive Order Nos. 17 and 21.

16) **Laundry Services.** Includes, but is not limited to: laundromats, dry cleaners, industrial laundry services, and laundry service providers.

- 17) **Restaurants for Off-Premises Consumption.** Includes, but is not limited to: restaurants, bars, or other similar food or drink establishments that prepare and serve food, but only for consumption off-premises, consistent with Executive Order Nos. 17 and 21. This paragraph is consistent with and does not supersede Executive Order Nos. 17 and 21.
- 18) **Supplies to Work from Home.** Includes, but is not limited to: businesses that sell, manufacture, or supply products necessary for persons to work from home or engage in distance learning.
- 19) **Supplies for Essential Businesses and Operations.** Includes, but is not limited to: businesses that sell, manufacture, or supply other Essential Services 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 and 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.
- 20) **Transportation.** Includes, but is not limited to: airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, marinas, docks, boat storage, and other private, public, and commercial transportation and logistics providers necessary for Essential Activity or Essential Services under Executive Order No. 22.
- 21) **Home-based Care and Services.** Includes, but is not limited to:
- home-based care for adults, seniors, children, or persons with developmental disabilities, intellectual disabilities, substance use disorders, or mental illness;
 - and caregivers, including nannies, who may travel to a home to provide care or other in-home services, including meal delivery.
- 22) **Residential Facilities and Shelters.** Includes, but is not limited to: Residential facilities and shelters for adults, seniors, children, pets, or persons with developmental disabilities, intellectual disabilities, substance use disorders, or mental illness.

- 23) **Professional Services.** Includes, but is not limited to:
- legal services,
 - accounting services,
 - insurance services, or
 - real estate services (including appraisal and title services).
- 24) **Manufacturing, Distribution and Supply Chain for Critical Products and Industries.** Includes, but is not limited to: manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, health care, chemicals, sanitization, waste pickup and disposal, agriculture and agricultural products, food and beverage, household consumer products, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, defense and national defense, and communications, as well as products used by or component parts of other Essential Services.
- 25) **Hotels and Motels.** Includes, but is not limited to: hotels, motels, lodges, dormitories, and short-term rentals, to the extent used for lodging and delivery or carry-out food and beverage services.
- 26) **Funeral Services.** Includes, but is not limited to: funeral, mortuary, cremation, burial, cemetery, and related services.
- 27) Any business related to Essential Activity, as defined in Executive Order No. 22, including any outdoor recreation area, park, site, or trail that provides opportunities for outdoor recreation while maintaining adherence to the Health Guidelines.
- 28) Any other business or organization that operates at all times with ten (10) or fewer persons accessing the premises of the business or organization at a time, including employees, customers, and other visitors; provided, that the premises allows for operation within the Health Guidelines and that such Health Guidelines are followed at all times; or
- 29) The minimum necessary activities required to maintain any business or organization, whether otherwise essential or not, including:
- Maintaining the value of the business's or organization's inventory;
 - Preserving the condition of the business's or organization's physical plant and equipment, livestock, or other assets;
 - Ensuring the security of the business or organization;
 - Processing the business's or organization's mail, payroll, and employee benefits;
 - Facilitating employees of the business or organization being able to continue to work remotely from their residences; or
 - Conducting any functions related to these activities.
- 30) Personnel identified on pages 5-15 of the Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response issued by the Cybersecurity and

Infrastructure Security Agency (CISA) of the United States Department of Homeland Security.

Executive Order No. 23³

- On April 2, 2020, Governor Lee issued Executive Order No. 23, an order amending Executive Order No. 22, to require Tennesseans to stay home unless engaging in essential activities or essential services. All remaining provisions of Executive Order No. 22 remain in full force; thus, the order remains enforceable through April 14, 2020.

³ <https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee23.pdf>