

****COVID-19 HEALTH MANDATE #016 ****

Health Mandate #016: Reopen Alaska Responsibly Plan - Phase I-A

Issued: April 22, 2020

By: Governor Mike Dunleavy

Commissioner Adam Crum, Alaska Department of Health and Social Services

Dr. Anne Zink, Chief Medical Officer, State of Alaska

The State of Alaska is issuing its sixteenth health mandate, based on its authority under the Public Health Disaster Emergency Declaration signed by Governor Mike Dunleavy on March 11, 2020. This Mandate will go into effect April 24, 2020. The State of Alaska reserves the right to amend the Mandate at any time.

To date, the State of Alaska has issued 15 mandates to protect the public health of all Alaskans. These mandates, which have been aimed at flattening the curve, have been beneficial in slowing the spread of the disease.

This Mandate seeks to balance the ongoing need to maintain diligent efforts to slow and disrupt the rate of infection with the corresponding critical need to resume economic activity in a reasonable and safe manner.

This Mandate is the first of a series that are intended to reopen Alaska responsibly. By issuing this Mandate, the Governor is establishing consistent mandates across the State in order to mitigate both the public health and the economic impacts of COVID-19 across Alaska.

This Mandate addresses and modifies a number of prior Mandates and Health Care Advisories, as appropriate, to implement Phase I of the “Reopen Alaska Responsibly Plan.” If there is any discrepancy between this Mandate, including its attachments, and any other statements, mandates, advisories, or documents regarding the “Reopen Alaska Responsibly Plan”, this Mandate and its attachments will govern. FAQs may be issued to bring additional clarity to this Mandate based on questions that may arise.

Health Mandate 016 – Reopen Alaska Responsibly Plan - Phase I-A

Health Mandate 016 goes into effect at 8:00 a.m. on Friday, April 24, 2020.

Reopening Alaska’s businesses is vital to the state’s economic well-being, and to the ability of Alaskans to provide for their families. At the same time, everyone shares in the obligation to keep Alaska safe and continue to combat the spread of COVID-19. As a result, businesses and employees must, to the extent reasonably feasible, continue to take reasonable care to protect their staff and operations during this pandemic. Meanwhile, all Alaskans have an obligation to help promote public health and fight this pandemic by continuing to follow public health

guidance regarding sanitizing, handwashing, and use of face masks. Those that are at high risk of infection are encouraged to continue to self-quarantine, to the extent possible, and strictly follow social distancing mandates and advisories.

Unless explicitly modified by this Mandate as set forth below and in Attachments D through H, prior Mandates remain in effect unless and until they are amended, rescinded, or suspended by further order of the Governor. The Governor and the State of Alaska reserve the right to amend this Mandate at any time in order to protect the public health, welfare, and safety of the public and assure the state's safe resumption of economic activity.

The activities and businesses listed below that were previously governed by the referenced Mandates may resume under the conditions and guidance provided in the following attachments.

[Attachment D – Non-Essential Public Facing Businesses Generally](#) – modifies Mandate 011

[Attachment E – Retail Businesses](#) – modifies Mandate 011

[Attachment F – Restaurants Dine-In Services](#) – modifies Mandate 03.1

[Attachment G – Personal Care Services](#) – modifies Mandate 09

[Attachment H - Non-Essential Non-Public-Facing Businesses](#) – modifies Mandate 011

PREEMPTION OF LOCAL MANDATES

The policies contained in this Health Mandate are most effective when implemented uniformly across the State. Conflicting local provisions will frustrate this Mandate's health and economic objectives and, therefore, are irreconcilable with this Mandate's purposes. Therefore, unless specifically authorized by this, or any another Mandate issued by the Governor, this Mandate, Attachment A ([Alaska Essential Services and Critical Workforce Infrastructure Order](#)), Attachment B ([Alaska Small Community Emergency Travel Order](#)), and Attachments D through G expressly and intentionally supersede and preempt any existing or future conflicting local, municipal, or tribal mandate, directive, resolution, ordinance, regulation, or other order.

Business operations and other activities permitted to operate under this mandate may not be prohibited by local, municipal, or tribal mandate, directive, resolution, ordinance, regulation, or other order.

Notwithstanding the above, businesses subject to this mandate that are located within the Municipality of Anchorage, must continue to operate under prior state and municipal mandates through 8 a.m. Monday April 27, 2020, at which time, this Mandate will control.

ENFORCEMENT

A violation of a State of Alaska COVID-19 Mandate may subject a business or organization to an order to cease operations and/or a civil fine of up to \$1,000 per violation. In addition to the potential civil fines noted, a person or organization that fails to follow State COVID-19 Mandates designed to protect the public health from this dangerous virus and its impact may, under certain circumstances, also be criminally prosecuted for Reckless Endangerment pursuant to Alaska Statute 11.41.250. Reckless endangerment is defined as follows:

(a) A person commits the crime of reckless endangerment if the person recklessly engages in conduct which creates a substantial risk of serious physical injury to another person.

(b) Reckless endangerment is a class A misdemeanor.

Pursuant to Alaska Statute 12.55.135, a defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.

Additionally, under Alaska Statute 12.55.035, a person may be fined up to \$25,000 for a class A misdemeanor, and a business organization may be sentenced to pay a fine not exceeding the greatest of \$2,500,000 for a misdemeanor offense that results in death, or \$500,000 for a class A misdemeanor offense that does not result in death.

*****This Mandate is in effect until rescinded or modified.*****