



**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  
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**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 blue ink, appearing to read "CJB", written over a horizontal line.

ANDY BESHEAR, Governor  
Commonwealth of Kentucky

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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.

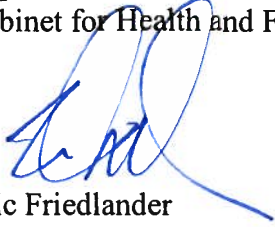
At this time the Commonwealth is beginning to reopen its economy with a phased approach known as the Healthy at Work program. Healthy at Work is based upon criteria set by the Centers for Disease Control and Prevention and public health officials and experts, along with advice from industry experts. 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.



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



- 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.