



GOVERNOR GREG ABBOTT

March 23, 2020

Mr. Cameron Duncan
Associate General Counsel
Texas Hospital Association
1108 Lavaca Street, Suite 700
Austin, Texas 78701-2180
cduncan@tha.org

Dear Mr. Duncan:

As you know, Governor Abbott issued Executive Order GA-08 on March 19, 2020, in response to the COVID-19 disaster. This letter will confirm our Office's position that hospitals in Texas can continue providing food service to their physicians, nurses, and other staff without violating Executive Order GA-08.

Executive Order GA-08 prohibits "eating or drinking at bars, restaurants, and food courts." It further provides, however, "that the use of drive-thru, pickup, or delivery options is allowed." Based on your assurances yesterday to our Deputy General Counsel, much of the food service provided within hospitals qualifies as pickup or delivery — something clearly allowed under Executive Order GA-08.

In any event, the mere provision of food service does not transform hospitals into "restaurant[s]," as Executive Order GA-08 uses that term. Executive Order GA-08 explicitly states that "[a]ll critical infrastructure will remain operational," and that "government entities and businesses will continue providing essential services." Hospitals represent critical infrastructure for purposes of the COVID-19 disaster, and they will be called upon to provide essential healthcare services as Texas copes with COVID-19.

In light of the foregoing, hospitals can continue providing the food service that is needed to keep them operational. As you explained on yesterday's call, the physicians, nurses, and other staff must have some physical location within a hospital where they can eat during their long shifts. Dining at one's desk is not a feasible option for many physicians, nurses, and staff. But without both food and a nearby place to eat it, they simply cannot provide the essential healthcare services that Texans need. An onsite cafeteria is therefore a permissible location at which a hospital can provide food service under Executive Order GA-08.

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To reduce the transmission of COVID-19, hospitals providing food service should continue to practice good hygiene and implement social distancing. Helpful guidance from trusted sources can be found at www.dshs.texas.gov/coronavirus/ or at www.cdc.gov/coronavirus/.

Sincerely,

A handwritten signature in blue ink, appearing to read "Luis Saenz", with a long, sweeping flourish extending to the right.

Luis Saenz
Chief of Staff
Office of the Governor

Enclosure: Executive Order GA-08

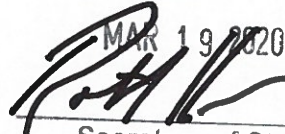


GOVERNOR GREG ABBOTT

March 19, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:59 AM O'CLOCK

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

MAR 19 2020

Secretary of State

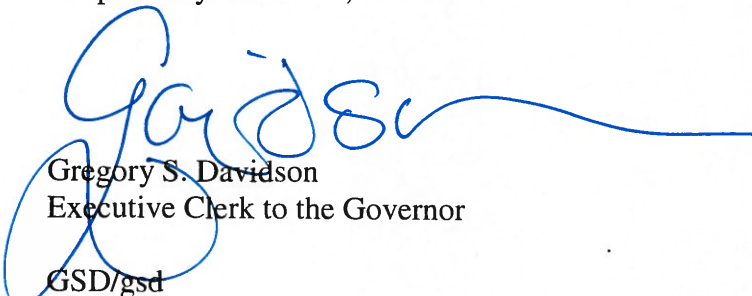
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-08 relating to COVID-19 preparedness and mitigation.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
March 19, 2020

EXECUTIVE ORDER
GA 08

Relating to COVID-19 preparedness and mitigation.

WHEREAS, the novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying that COVID-19 poses an imminent threat of disaster for all counties in the state of Texas; and

WHEREAS, COVID-19 continues to spread and to pose an increasing, imminent threat of disaster throughout Texas; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has advised that person-to-person contact heightens the risk of COVID-19 transmission; and

WHEREAS, the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the CDC on March 16, 2020, call upon Americans to slow the spread of COVID-19 by avoiding social gatherings in groups of more than 10 people, using drive-thru, pickup, or delivery options at restaurants and bars, and avoiding visitation at nursing homes, among other steps; and

WHEREAS, the Texas Department of State Health Services has now determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, under the Texas Disaster Act of 1975, "[t]he governor is responsible for meeting . . . the dangers to the state and people presented by disasters" (Section 418.001 of the Texas Government Code), and the legislature has given the governor broad authority to fulfill that responsibility.

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective 11:59 p.m. on March 20, 2020, and continuing until 11:59 p.m. on April 3, 2020, subject to extension thereafter based on the status of COVID-19 in Texas and the recommendations of the CDC:

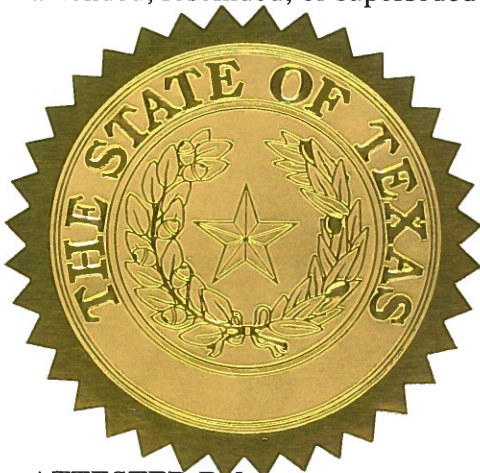
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MAR 19 2020

- Order No. 1 In accordance with the Guidelines from the President and the CDC, every person in Texas shall avoid social gatherings in groups of more than 10 people.
- Order No. 2 In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged throughout the limited duration of this executive order.
- Order No. 3 In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.
- Order No. 4 In accordance with the Guidelines from the President and the CDC, schools shall temporarily close.

This executive order does not prohibit people from visiting a variety of places, including grocery stores, gas stations, parks, and banks, so long as the necessary precautions are maintained to reduce the transmission of COVID-19. This executive order does not mandate sheltering in place. All critical infrastructure will remain operational, domestic travel will remain unrestricted, and government entities and businesses will continue providing essential services. For offices and workplaces that remain open, employees should practice good hygiene and, where feasible, work from home in order to achieve optimum isolation from COVID-19. The more that people reduce their public contact, the sooner COVID-19 will be contained and the sooner this executive order will expire.

This executive order supersedes all previous orders on this matter that are in conflict or inconsistent with its terms, and this order shall remain in effect and in full force until 11:59 p.m. on April 3, 2020, subject to being extended, modified, amended, rescinded, or superseded by me or by a succeeding governor.



Given under my hand this the
19th day of March, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink that reads "Ruth R. Hughes".

RUTH R. HUGHES
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:59 AM O'CLOCK

MAR 19 2020