



North Dakota Legislative Council

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SUMMARY OF EXECUTIVE ORDERS ISSUED IN RESPONSE TO CORONAVIRUS (COVID-19) PANDEMIC

Topic Area	Executive Order Number	Date Issued	Summary
Agriculture	Executive Order 2020-17	March 30, 2020	<ul style="list-style-type: none"> Suspended the March 31, 2020 expiration date for a license to operate a livestock auction market until May 31, 2020. Suspended the April 1, 2020 expiration of commercial and public pesticide applicator certifications under North Dakota Century Code (NDCC) Section 4.1-33-07 until June 1, 2020. Violations of this order are an infraction, subject to a \$1,000 fine. All local, county, and state law enforcement officers are authorized and directed to enforce the provisions of this executive order.
	Executive Order 2020-17.1	April 7, 2020	<ul style="list-style-type: none"> Suspended the April 1, 2020, expiration of commercial, public, and private pesticide applicator certifications under NDCC Chapter 4.1-33 during the pendency of the declared state of emergency. Suspended the pesticide applicator certification requirements under NDCC Chapter 4.1-33 and North Dakota Administrative Code (NDAC) Chapter 60-03-01-05.2 for the use of nonrestricted disinfectants during the pendency of the declared state of emergency. Violations of this order are an infraction, subject to a \$1,000 fine. All local, county, and state law enforcement officers are authorized and directed to enforce the provisions of this executive order.
Child care	Executive Order 2020-10.1	March 30, 2020	<ul style="list-style-type: none"> Closed all public and nonpublic K-12 schools to students until further notice; however, certain school districts may choose to open facilities through May for the limited purpose of providing child care services to children in grades K-5 only, for K-12 teachers and other health, safety, and lifeline worker households, as identified by the Department of Human Services. Required any school district willing to open a school facility for limited child care services to conform to the revised guidelines (addressing childcare needs in North Dakota) issued by the Department of Human Services.
	Executive Order 2020-27	April 10, 2020	Suspended the licensure requirements related to inspections and staff training and certain operating requirements for early childhood services, as defined in NDCC Chapter 50-11.1 and related Administrative Rules, to conform with the preventative and mitigating measures issued by the Centers for Disease Control and the State Health Officer in response to the COVID-19 pandemic.
Commerce	Executive Order 2020-06	March 19, 2020	<ul style="list-style-type: none"> Ordered restaurants, bars, breweries, cafes, and similar onsite dining establishments to close to onsale/onsite patrons beginning at 12:00 p.m., on March 20, 2020, through April 6, 2020 (take-out, delivery, curbside, and drive-thru may continue).

			<ul style="list-style-type: none"> Directed recreational facilities, health clubs, athletic facilities, and theaters, including movie theater and music or entertainment venues to close beginning at 12:00 p.m., on March 20, 2020 through April 6, 2020.
	Executive Order 2020-06.1	March 27, 2020	<ul style="list-style-type: none"> Reiterated onsite dining establishment and recreational facility closures ordered in Executive Order 2020-06. Directed all licensed cosmetologists, including estheticians and manicurists, and all salons operated by licensed cosmetologists, including esthetician and manicurist salons or services and licensed barbers and barber shops, to close and cease operations beginning at 12:00 a.m., March 28, 2020, until April 6, 2020. Directed all elective personal care services provided in tattoo and body art facilities, including individuals providing tattoo and body art services; tanning facilities; and massage facilities and individual massage therapists to close and cease operations beginning at 12:00 a.m., March 28, 2020, through April 6, 2020. Violations of this order are an infraction, subject to a \$1,000 fine. All local, county, and state law enforcement officers are authorized and directed to enforce the provisions of this executive order.
	Executive Order 2020-06.2	April 2, 2020	<ul style="list-style-type: none"> Extended onsite dining establishment and recreational facility closures outlined in Executive Order 2020-06 from April 6, 2020, through April 20, 2020. Extended salon, barber shop, tattoo, tanning, and massage facility closures outlined in Executive Order 2020-06 from April 6, 2020, through April 20, 2020. Violations of this order are an infraction, subject to a \$1,000 fine. All local, county, and state law enforcement officers are authorized and directed to enforce the provisions of this executive order.
Education	Executive Order 2020-04	March 15, 2020	Ordered all K-12 public and nonpublic schools to close to students the week of March 16-20, 2020.
	Executive Order 2020-04.1	March 16, 2020	Reiterated previous school closure order (Executive Order 2020-04) and clarified the order does not impact programming and instructional hours for K-12 students attending nonpublic residential schools and certain residential programs.
	Executive Order 2020-10	March 22, 2020	<ul style="list-style-type: none"> Ordered all public and nonpublic K-12 school facilities remain closed to students until further notice. Directed school districts and nonpublic schools to develop age-appropriate distance learning plans and submit the plans on or before March 27, 2020, to the Superintendent of Public Instruction for approval.
	Executive Order 2020-10.1	March 30, 2020	Closed all public and nonpublic K-12 schools to students until further notice; however, certain school districts may choose to open facilities through May for the limited purpose of providing child care services to children in grades K-5 only, for K-12 teachers and other health, safety, and lifeline worker households, as identified by the Department of Human Services.
	Executive Order 2020-19	April 2, 2020	<ul style="list-style-type: none"> Strongly encouraged public school boards to approve and authorize voting in the 2020 annual election be cast by absentee ballot, as defined under NDCC Section 15.1-09-18. Suspended certain requirements for public school boards that approved and authorized voting in the 2020 annual election to be cast by absentee ballot.

	Executive Order 2020-19.1	April 7, 2020	<ul style="list-style-type: none"> • Strongly encouraged public school boards to approve and authorize voting in the 2020 annual election and any school district special election to be cast by absentee ballot, as defined under NDCC Section 15.1-09-18. • Suspended certain polling place and election officer requirements for public school boards that approve and authorize absentee voting in the 2020 annual election and any special election held during the pendency of the state public health emergency.
	Executive Order 2020-24	April 7, 2020	Suspended the operation of NDCC Section 15.1-15-01(2) relating to a school district's obligation to conduct a written performance review for every teacher, principal, and an assistant or associate superintendent employed for more than 3 years.
Elections	Executive Order 2020-13	March 26, 2020	<ul style="list-style-type: none"> • Strongly encouraged county commissions to approve and authorize voting by mail ballot for the June 2020 election. • Suspended certain requirements for counties that approved and authorized voting by mail ballot. • Stated the Secretary of State will send a mail ballot application form, instructions, and a return envelope to individuals listed in the state's central voter file via U.S. mail and will pay costs for preparing and sending mail ballot applications and all costs for the return of the completed applications. • Stated county commissions and county auditors will continue to cover costs for printing ballots and materials mailed to voters when the counties receive completed mail ballot applications. • Stated county commissions and county auditors will provide at least one assistive ballot marking device (ExpressVote) in the county courthouse (or other accessible location in the county) during normal hours of operation for the period of time beginning 40 days before the election through election day.
	Executive Order 2020-19	April 2, 2020	<ul style="list-style-type: none"> • Strongly encouraged public school boards to approve and authorize voting in the 2020 annual election to be cast by absentee ballot, as defined under NDCC Section 15.1-09-18. • Suspended certain requirements for public school boards that approved and authorized voting in the 2020 annual election to be cast by absentee ballot.
	Executive Order 2020-19.1	April 7, 2020	<ul style="list-style-type: none"> • Strongly encouraged public school boards to approve and authorize voting in the 2020 annual election and any school district special election to be cast by absentee ballot, as defined under NDCC Section 15.1-09-18. • Suspended certain polling place and election officer requirements for public school boards that approve and authorize absentee voting in the 2020 annual election and any special election held during the pendency of the state public health emergency.
Environmental quality	Executive Order 2020-23	April 7, 2020	Suspended the provisions of NDAC Chapter 33.1-34-01-01 to allow ASTM Class D-4/E-5 winter grade fuel to be sold and distributed in the state from April 1, 2020, through May 20, 2020.
Health care	Executive Order 2020-05	March 19, 2020	<ul style="list-style-type: none"> • Suspended licensing requirements for hospitals and other health care facilities. • Suspended licensure requirements for certain health care or behavioral health professionals licensed in other states to provide health care and behavioral health services for citizens impacted by Coronavirus (COVID-19).

	Executive Order 2020-05.1	March 20, 2020	<ul style="list-style-type: none"> • Suspended licensure requirements for certain health care or behavioral health professionals licensed in other states to provide health care and behavioral health services for citizens impacted by COVID-19. The list of professionals covered by the executive order included those covered by Executive Order 2020-05 and those licensed under NDCC Chapter 43-62 (Medical Imaging and Radiation Therapy). • Suspended certain statutory and regulatory requirements regarding telehealth services.
	Executive Order 2020-09	March 21, 2020	<ul style="list-style-type: none"> • Extended the authority to administer emergency prescription refills to allow pharmacists to provide emergency refills for maintenance medications for up to a 30-day supply. This authority was not extended to refills of controlled substances listed in Schedule II. • Required health care payers, including pharmacy benefits managers, to eliminate proof of delivery requirements for deliveries directly to homes and by mail. • Extended the authority to allow pharmacists to administer COVID-19 testing, under guidance from the State Department of Health.
	Executive Order 2020-14	March 26, 2020	Suspended operation of NDCC Chapter 23-07.6, with the exception of NDCC Section 23-07.6-02(3), relating to communicable disease confinement procedures, allowing the State Health Officer to issue orders relating to disease control measures deemed necessary to prevent the spread of COVID-19 pursuant to NDCC Section 23-01-05(12) and consistent with due process.
	Executive Order 2020-20	April 3, 2020	<ul style="list-style-type: none"> • Suspended certain licensure requirements under health care and behavioral health licensing statutes to allow certain professionals with inactive or lapsed licenses to return to the workforce to provide resources to the COVID-19 pandemic. • Authorized the State Board of Respiratory Care to grant a temporary provisional license to certain respiratory care therapists or respiratory care practitioners with inactive or lapsed licenses.
	Executive Order 2020-21	April 6, 2020	<ul style="list-style-type: none"> • Ordered individuals who test positive for COVID-19, and all household members residing with the infected individual, to self-quarantine in the individual's place of residence for 14 days or as directed by order of the State Health Officer. • Ordered individuals under a self-quarantine order not to leave their place of residence until receiving approval from the State Department of Health.
	Executive Order 2020-22	April 6, 2020	<ul style="list-style-type: none"> • Suspended visitation in North Dakota long-term care facilities, including skilled nursing facilities and basic care facilities, except for end-of-life or compassionate care for residents with terminal conditions. • Restricted all nonessential personnel and volunteers from long-term care facilities.
	Executive Order 2020-21.1	April 10, 2020	<ul style="list-style-type: none"> • Ordered individuals who test positive for COVID-19 and all household members residing with the infected individual to self-isolate in the individual's place of residence as directed by order of the State Health Officer. • Ordered only family and household members, health care workers and others performing services in support of elderly, disabled, and vulnerable populations to be permitted in the place of residence during the period of self-quarantine.

			<ul style="list-style-type: none"> Ordered individuals under a self-isolation or self-quarantine order to leave their place of residence only with prior approval or at the direction of the State Department of Health.
	Executive Order 2020-28	April 13, 2020	<ul style="list-style-type: none"> Suspended certain licensing requirements for psychiatric residential treatment facilities as defined in NDCC Chapter 25-03.2 and NDAC Chapter 75-03-17. Suspended certain licensing requirements for qualified residential treatment programs as defined in NDCC Chapter 50-11 and NDAC Chapter 75-03-40.
Insurance	Executive Order 2020-05.1	March 20, 2020	<ul style="list-style-type: none"> Suspended certain statutory and regulatory requirements regarding telehealth services. Ordered insurance carriers to cover virtual check-ins and e-visits for established patients in accordance with the guidance issued by Centers for Medicare and Medicaid Services (CMS) on March 17, 2020. Suspended NDCC Section 26.1-36-09.15(4). Insurance carriers may not subject telehealth coverage, including virtual check-ins and e-visits for established patients, to deductible, coinsurance, copayment, or other cost-sharing provisions. Prohibited insurance carriers from imposing any specific requirements on the technologies used to deliver telehealth, virtual check-in, and e-visit services (including any limitations on audio-only or live video technologies) which are inconsistent with the requirements in this executive order. Authorized the Insurance Commissioner to issue guidance on implementing the requirements in this executive order.
Libraries	Executive Order 2020-17	March 30, 2020	<ul style="list-style-type: none"> Suspended the deadline for public libraries to submit an application for financial aid and an annual report to the state library, under NDCC Chapter 54-24.2, until May 31, 2020. Violations of this order are an infraction, subject to a \$1,000 fine. All local, county, and state law enforcement officers are authorized and directed to enforce the provisions of this executive order.
Military	Executive Order 2020-03	March 13, 2020	Authorized the Adjutant General to activate and make available North Dakota National Guard resources.
Occupations/ professions	Executive Order 2020-05	March 19, 2020	Suspended the licensure requirements for certain health care or behavioral health professionals licensed in other states to provide health care and behavioral health services for citizens impacted by COVID-19.
	Executive Order 2020-05.1	March 20, 2020	<ul style="list-style-type: none"> Suspended the licensure requirements for certain health care or behavioral health professionals licensed in other states to provide health care and behavioral health services for citizens impacted by COVID-19. The list of professionals covered by the executive order included those covered by Executive Order 2020-05 and those licensed under NDCC Chapter 43-62 (Medical Imaging and Radiation Therapy). Suspended certain statutory and regulatory requirements regarding telehealth services.
	Executive Order 2020-09	March 21, 2020	<ul style="list-style-type: none"> Extended the authority to allow pharmacists to administer COVID-19 testing under guidance from the State Department of Health. Extended the authority to administer emergency prescription refills to allow pharmacists to provide emergency refills for maintenance medications for up to a 30-day supply. This authority was not extended to refills of controlled substances listed in Schedule II.

	Executive Order 2020-20	April 3, 2020	<ul style="list-style-type: none"> • Suspended certain licensure requirements under health care and behavioral health licensing statutes to allow certain professionals with inactive or lapsed licenses to return to the workforce to provide resources to the COVID-19 pandemic. • Authorized the State Board of Respiratory Care to grant a temporary provisional license to certain respiratory care therapists or respiratory care practitioners with inactive or lapsed licenses.
Oil and gas	Executive Order 2020-23	April 7, 2020	Suspended the provisions of NDAC Chapter 33.1-34-01-01 to allow ASTM Class D-4/E-5 winter grade fuel to be sold and distributed in the state from April 1, 2020, to May 20, 2020.
Open meetings	Executive Order 2020-16	March 30, 2020	<ul style="list-style-type: none"> • Suspended the requirements that a meeting room be available to the public and a speakerphone or monitor be provided at a physical location under NDCC Section 44-04-19 when members of a governing body are attending a meeting via remote means. • Ordered notices and agendas of meetings subject to open meeting laws in which members of the governing body are appearing via remote means provide either a conference call number or an electronic link that provides real-time or live streaming public access.
	Executive Order 2020-25	April 8, 2020	<ul style="list-style-type: none"> • Suspended the operation of NDCC Sections 49-22-13 and 49-22.1-10 requiring the Public Service Commission to hold public hearings on permit applications in specific locations. • Suspended the operation of NDCC Section 15-04-10 requiring the Commissioner of University and School Lands to hold public auctions for public land leasing in the county seat. • Ordered a notice of public hearing to include a video or audio conference calling number for public testimony and input and a conference calling number or electronic link for real-time or live streaming public access.
State government	Executive Order 2020-03	March 13, 2020	<ul style="list-style-type: none"> • Declared a state of emergency in North Dakota in response to the public health crisis resulting from COVID-19. • Ordered the activation of the North Dakota State Emergency Operations Plan (SEOP). • Ordered state agencies to provide response resources and capabilities pursuant to the agency's respective responsibilities detailed in the SEOP.
	Executive Order 2020-06	March 19, 2020	<ul style="list-style-type: none"> • Directed state agencies and offices to accelerate the transition of nonessential staff to remote, in-home worksites; this requirement will continue until April 6, 2020. • Limited access to the Capitol until April 6, 2020, to those who make appointments. • Limited access to other state facilities from March 20, 2020, until April 6, 2020, to those who make appointments.
	Executive Order 2020-07	March 20, 2020	<p>Ordered state agencies to identify provisions of regulatory statutes, agency orders, or Administrative Rules that:</p> <ul style="list-style-type: none"> • Prevent, hinder, or delay an agency's ability to render maximum assistance or continue to deliver essential services to citizens during the COVID-19 crisis; or • Are related to acquiring or renewing licenses or certifications essential for citizens and businesses providing services in the state. <p>Ordered state agencies to provide the identified provisions to the Governor's office before 5:00 p.m., on March 24, 2020.</p>

	Executive Order 2020-14	March 26, 2020	Suspended operation of NDCC Chapter 23-07.6, with the exception of NDCC Section 23-07.6-02(3), relating to communicable disease confinement procedures, allowing the State Health Officer to issue orders relating to disease control measures deemed necessary to prevent the spread of COVID-19 pursuant to NDCC Section 23-01-05(12) and consistent with due process.
	Executive Order 2020-16	March 30, 2020	<ul style="list-style-type: none"> • Suspended the requirements that a meeting room be available to the public and a speakerphone or monitor be provided at a physical location under NDCC Section 44-04-19 when members of a governing body are attending a meeting via remote means. • Ordered notices and agendas of meetings subject to open meeting laws in which members of the governing body are appearing via remote means provide either a conference call number or an electronic link that provides real-time or live streaming public access.
	Executive Order 2020-06.2	April 1, 2020	<ul style="list-style-type: none"> • Extended the requirement of state agencies and offices to accelerate the transition of nonessential staff to remote, in-home worksites from April 6, 2020, through April 20, 2020. • Extended limited access to the Capitol and other state facilities from April 6, 2020, until April 20, 2020, to those who make appointments.
	Executive Order 2020-21	April 6, 2020	<ul style="list-style-type: none"> • Ordered individuals who test positive for COVID-19, and all household members residing with the infected individual, to self-quarantine in the individual's place of residence for 14 days or as directed by order of the State Health Officer. • Ordered individuals under a self-quarantine order not to leave their place of residence until receiving approval from the State Department of Health.
	Executive Order 2020-25	April 8, 2020	<ul style="list-style-type: none"> • Suspended the operation of NDCC Sections 49-22-13 and 49-22.1-10 requiring the Public Service Commission to hold public hearings on permit applications in specific locations. • Suspended the operation of NDCC Section 15-04-10 requiring the Commissioner of University and School Lands to hold public auctions for public land leasing in the county seat. • Ordered a notice of public hearing to include a video or audio conference calling number for public testimony and input and a conference calling number or electronic link for real-time or live streaming public access.
	Executive Order 2020-26	April 8, 2020	Suspended NDCC Section 54-44-04.6(3) as it pertains to the donation or transfer of surplus property that is directly related to the COVID-19 response, limited to medical supplies or personal protective equipment being transferred to the State Department of Health or other state agency, political subdivision, or eligible charitable organization.
	Executive Order 2020-21.1	April 10, 2020	<ul style="list-style-type: none"> • Ordered individuals who test positive for COVID-19 and all household members residing with the infected individual to self-isolate in the individual's place of residence as directed by order of the State Health Officer. • Ordered only family and household members, health care workers and others performing services in support of elderly, disabled, and vulnerable populations to be permitted in the place of residence during the period of self-quarantine.

			<ul style="list-style-type: none"> Ordered individuals under a self-isolation or self-quarantine order to leave their place of residence only with prior approval or at the direction of the State Department of Health.
Transportation	Executive Order 2020-07	March 20, 2020	Directed North Dakota law enforcement agencies and private sector businesses operating in the state to recognize any North Dakota driver's license or North Dakota motor vehicle registrations, expired on or after March 1, 2020, as valid and current while this order is in effect.
	Executive Order 2020-11	March 24, 2020	<ul style="list-style-type: none"> Suspended all in-person administrative hearings conducted by the Department of Transportation for the duration of the declared public health emergency. Required the Director of the Department of Transportation to remove load restrictions on state highways under NDCC Section 39-12-03. However, if the Director determines a state highway is impacted negatively and an actual or potential public safety risk exists, the Director may implement load and weight restrictions as deemed appropriate under current law.
Unemployment	Executive Order 2020-08	March 20, 2020	Suspended certain rules and procedures to expand the eligibility for unemployment benefits and cost-sharing with employers.
	Executive Order 2020-15	March 27, 2020	Suspended the due dates for quarterly unemployment insurance contributions and reports to Job Service North Dakota from March 13, 2020, until June 30, 2020.
	Executive Order 2020-18	April 1, 2020	Suspended the one-week waiting period under NDCC Section 52-06-01(4) for any individual whose unemployment occurred during the period of the COVID-19 emergency declaration, who filed a claim during and after the week ending March 14, 2020.
Workforce Safety and Insurance	Executive Order 2020-12	March 25, 2020	<ul style="list-style-type: none"> Suspended certain requirements for workers' compensation to allow first responders, health care workers, and all occupations under NDCC Section 65-01-02(11)(b)(1) exposed to COVID-19 in the course of employment to file a claim for workers' compensation coverage. Those individuals may be eligible for up to 14 days of wage replacement and medical coverage if quarantined. Suspended certain requirements for workers' compensation to allow first responders, frontline health care workers and occupations identified in NDCC Section 65-01-02(11)(b)(1) who test positive for COVID-19 and can demonstrate the infection resulted from work-related exposure to be eligible for wage replacement and medical benefits as provided in Title 65 for compensable injuries.
	Executive Order 2020-15	March 27, 2020	<ul style="list-style-type: none"> Suspended the requirement for Workforce Safety and Insurance (WSI) to assess interest on certain employer premium payments under NDCC Sections 65-04-20, 65-04-22, and 65-04-33 until June 30, 2020. Suspended the requirement for WSI to assess the late fee penalty for late-filed employer payroll reports under NDCC Section 65-04-06 and NDAC Section 92-01-02-14(7) until June 30, 2020. Violations of this order are an infraction, subject to a \$1,000 fine. All local, county, and state law enforcement officers are authorized and directed to enforce the provisions of this executive order.