

Indiana Moves to Stage 5 of Reopening Plan; Masks Still Required

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Indiana Governor Eric Holcomb announced Indiana's reopening will progress to Stage 5 effective September 26, 2020. Marion County will not progress to Stage 5.

This decision follows Indiana's continued progress toward reducing the transmission of COVID-19. As of September 22, 2020, Indiana's seven-day positivity rate hovered around 4% — an improvement from the July average of 6.5%.

Under Stage 5, restaurants, bars, and nightclubs are allowed to operate at full capacity, although social distancing must be observed and bar customers must be seated. Personal services, gyms, fitness centers, and workout facilities also may resume normal operations at full capacity. Additionally, indoor and outdoor venues are permitted to open at full capacity, provided organizers of events including more than 500 people submit a written plan to the local health department.

Governor Holcomb also extended the statewide face mask order for the duration of Stage 5. In a press conference on September 23, 2020, Governor Holcomb said Indiana's positivity rate, which is just shy of 4%, is proof that the mask mandate is having its intended effect. Stage 5 and the face mask order will remain in effect until October 17, 2020.

Marion County

Mayor Joe Hogsett released Public Health Orders 31-2020 and 32-2020 outlining the County's plan beginning September 28, 2020. Under these Orders, outdoor bar and restaurant seating will be fully reopened with indoor seating at 50% capacity. Gyms and fitness studios may also operate at 50% capacity. Indoor religious services may operate at 75% capacity with no limits for outdoor seating. Additionally, assisted living facilities are permitted to resume indoor visitation.

Under Public Health Order 32-2020, all K-8th schools are permitted to open 100% in-person learning. High schools will be permitted to attend 100% in person once the positivity rate for Marion County is 5% or lower and the daily number of new cases is 35 or lower for two weeks. These measures were put in place following Centers for Disease Control and Prevention (CDC) guidance on what the positivity rate and daily infection rates should be in a moderate risk scenario.

Reopening orders contain extensive requirements creating compliance issues that can vary significantly depending on the specific state or local jurisdiction. Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities involved with state-specific or multistate-compliant plans.

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our COVID-19 team.

(Law clerk Cheyna Galloway contributed significantly to this article.)

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