

Indiana Exits Reopening Plan; Implements County-by-County Restrictions

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Indiana has exited Stage 5 and the “Back on Track Plan” in favor of county-by-county restrictions. For Marion County, Indianapolis Mayor Joe Hogsett has imposed additional restrictions.

Governor Eric Holcomb’s decision to move to county-by-county restrictions was based on Indiana’s recent record high COVID-19 hospitalization rate and increased seven-day positivity rate. As of November 11, 2020, Indiana’s seven-day positivity rate hovered around 10.5% — a stark increase from the 4% average in late-September.

Beginning November 15, 2020, Hoosiers must follow a new set of requirements. Those requirements include social distancing and continuing to wear a mask. Additionally, businesses will need to post signs requiring masks and encouraging social distancing by customers. Furthermore, all customers in restaurants, bars, and nightclubs must be spaced six feet apart.

Each county must observe new pandemic restrictions based on the state’s color-coded map. As of November 12, 2020, all but five Indiana counties were coded red or orange — the most restrictive ratings — and no county was coded blue, the least restrictive.

The restrictions for orange and red counties are as follows:

Orange Counties:

- Attendance at winter indoor K-12 extracurricular and co-curricular events is limited to 25% capacity.
- Capacity in common areas and break rooms should be reduced.
- Community recreational sports leagues and tournaments may continue with attendance limited to participants, required personnel, and parents or guardians.
- Social gatherings of any kind, inside or outside, are limited to 50 people.
- Special, seasonal, or commercial events planned for more than 50 people require approval of a safety plan by the local health department.

Red Counties:

- Attendance at winter indoor K-12 extracurricular and co-curricular activities, including IHSAA sports, is limited to participants, support personnel, and parents or guardians.
- Local officials may consider limiting hours for the operation of bars, nightclubs, and restaurants.
- Community recreational sports leagues and tournaments may continue with participants, required personnel, and parents or guardians only.
- Senior care activities are suspended.
- Hospitals, long-term care facilities, and other congregate settings may impose visitation limits.
- Common areas and break rooms should be closed.

Marion County

Mayor Hogsett released stringent restrictions for Marion County, effective November 16, 2020. He stated that these restrictions were necessary given Marion County’s recent infection rates and seven-day positivity rates which, similar to the State of Indiana, have sharply increased since September.

In addition to the below restrictions, all Marion County schools are instructed to move to virtual learning no later than November 30 and remain virtual until January 15, 2021, at the earliest. The remaining restrictions are as follows:

- Entertainment venues and bars are limited to 25% indoor capacity, with 100% capacity allowed outside.
- For restaurants, reduced to 50% of capacity indoors and 100% allowed outdoors.

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- Live entertainment venues must be cleared of all patrons by 12:00 a.m.
- Self-service buffets and salad bars are banned.
- Maximum party size reduced to six people at bars and clubs.
- Wedding, concerts, and sporting events are limited to 25% of capacity.
- Gyms and fitness centers are limited to 25% of capacity.
- Midnight closure time implemented for all hospitality and entertainment businesses, including live entertainment.
- Religious services are limited to 75% of indoor capacity.
- Social gatherings are limited to 25 or fewer people.
- Libraries, funeral homes, and mall food courts reduced to 50% of indoor capacity.
- Cultural venues, music venues, tourism sites, and other non-essential businesses are limited to 25% of capacity.
- A negative COVID-19 test within 72 hours to visit a long-term care facility.
- Starting November 30, extracurricular activities and sporting events can include only participants, parents or guardians, and support personnel.

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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