

OFFICE OF THE GOVERNOR
STATE OF MONTANA

Steve Benson
Governor



Mike Cooney
Lt. Governor

TO: Montanans, all officers and agencies of the State of Montana
FROM: Governor Steve Benson
DATE: March 26, 2020
RE: Directive Implementing Executive Order 2-2020 and 3-2020 providing measures to stay at home and designating certain essential functions

Executive Order 2-2020 and 3-2020 declare that a state of emergency exists in Montana due to the global outbreak of COVID-19 Novel Coronavirus.

Section 10-5-104(2)(a), MCA, authorizes the Governor, during a state of emergency, to "suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or action or rules of any state agency if the strict compliance with the provisions of any statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster." Further, it authorizes the Governor to "control ingress and egress to and from an incident or emergency or disaster area, the movement of persons within the area, and the occupancy of premises within the area." Section 10-5-104(2)(c), MCA, Montana's public health laws also authorize the Department of Public Health and Human Services (DPHHS or Department), acting under the Governor's direction, to "issue written orders for correction" of "conditions of public health importance," to "prevent and mitigate conditions of public health importance" through measures including "isolation and quarantine" and "abatement of public health nuisances." Section 50-1-202, MCA, The Department, under the Governor's direction, may also take action to correct public health deficiencies in "buildings or facilities where people congregate." Section 50-1-203, MCA, The Department, under the Governor's direction, is also authorized to impose quarantine and isolation measures to protect public health. Section 50-1-204, MCA, Montana law provides that these authorities will be utilized to respond to an "outbreak of disease," § 10-5-103(4), MCA, and to "limit the transmission of the communicable disease." See, e.g., § 50-1-05(3), MCA.

COVID-19 is a coronavirus that most frequently spreads person to person. The virus may live on surfaces and remain in the air after someone coughs or sneezes for an unknown period of time, creating a range of opportunities for exposure. Exposure can also happen when a person touches a surface or object that has the live virus on it and then touches one's face. Montana currently faces an emergency situation, with infections or the imminent threat of infections present across the state. Accordingly, for the preservation of public health and safety throughout the entire State of Montana, to protect those most at-risk, and to avoid overwhelming our health care delivery systems, I have determined that additional measures consistent with public health guidance are necessary to slow and stop the spread of COVID-19.

To curtail the spread of the COVID-19 pandemic in Montana, and to protect the health and economic well-being of all Montanans, it is necessary immediately to implement measures to create social distancing to prevent the spread of disease. Such an approach will reduce the overall number of infections in the state and preserve increasingly scarce health care resources. In consultation with public health experts, health care providers, and emergency management professionals, I have determined that to protect public health and human safety, it is essential to the health, safety, and