
Prepared by the Policy Surveillance Program Staff

July 2020
COVID-19: State Emergency Declarations & Mitigation Policies

I. **Date of Protocol:** Last updated on August 17, 2020.

II. **Scope:** Collect, code, and analyze state statutes, regulations, state emergency declarations and mitigation policies related to the COVID-19 pandemic. Mitigation policies include administrative actions, orders, declarations, or proclamations issued by the Governor’s office or another state department or regulatory agency regarding social distancing measures to curtail the spread of COVID-19. This is a longitudinal dataset covering legal action in effect as of January 20, 2020 through July 1, 2020. This includes a fifth batch of 11 jurisdictions (Massachusetts, Minnesota, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, and the District of Columbia) as well as an update through July 1, 2020 for the first 40 states (Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Washington, Wisconsin, and Wyoming).

III. **Primary Data Collection**

   a. **Project dates:** April 6, 2020 – August 17, 2020.

   b. **Dates covered in the dataset:** This is a longitudinal dataset covering legal action in effect as of January 20, 2020 through July 1, 2020 for the first batch of 10 states (Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Georgia, Hawaii, Iowa, and Kansas), the second batch of 10 states (Kentucky, Louisiana, Michigan, New Jersey, New York, North Dakota, Pennsylvania, Texas, Washington, and Wyoming), the third batch of 10 states (Delaware, Florida, Idaho, Illinois, Indiana, Maine, Maryland, Mississippi, Ohio, and Wisconsin), the fourth batch of 10 states (Arizona, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Oklahoma, and Oregon) and the fifth batch of 10 states (Massachusetts, Minnesota, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia) and the District of Columbia. January 20, 2020 was selected as the start date because it is the day before the [Centers for Disease Control and Prevention](https://www.cdc.gov) confirmed the first case of COVID-19 in the United States on January 21, 2020.
c. **Data Collection Methods:** The research team (“Team”) consisted of four legal researchers (“Researchers”) and one supervisor (“Supervisor”). Official state government websites, including official state COVID-19 websites, state health department websites, and state department of corrections websites, and various public health databases collecting COVID-19 related actions were utilized to identify which states had emergency declarations and mitigation policies. These resources are catalogued at [http://lawatlas.org/page/covid19-legal-research-resources](http://lawatlas.org/page/covid19-legal-research-resources). Subject matter experts were consulted to assist with defining the scope of legal variables included in this project. We met several times with our subject matter experts to discuss the scope of this dataset. The subject matter experts also reviewed and provided feedback on our coding questions. These subject matter experts include:

i. Rebecca L. Haffajee, JD, PhD, MPH, Assistant Professor of Health and Management Policy, University of Michigan School of Public Health  
ii. Michelle M. Mello, JD, PhD, Professor of Law at Stanford Law School, Professor of Medicine at Stanford University School of Medicine  
iii. David M. Studdert, LLB, ScD, MPH, Professor of Law at Stanford Law School, Professor of Medicine (PCOR/CHP) at Stanford University School of Medicine

d. **Databases Used:** Research was conducted using the following public health databases to identify and collect relevant state actions: American Enterprise Institute COVID-19 Action Tracker, American Network of Community Options and Resources COVID-19 State Policy Resources, ASTHO Coronavirus Disease 2019 (COVID-19) Responses Hub, Boston University School of Public Health COVID-19 US State Policy Database, Council of State Governments COVID-19 Resources for State Leaders, Kaiser Family Foundation State Data and Policy Actions to Address Coronavirus, National Conference of State Legislatures State Action on Coronavirus (COVID-19), and National Governors Association (NGA). The Kaiser Family Foundation State Action to Limit Abortion Access During the COVID-19 Pandemic and the Rewire News Abortion Access During COVID-19 sources were utilized for the question on abortion services. WestlawNext was utilized to identify relevant statutes, regulations, or internally referenced laws.

i. Full text versions of the laws were collected from each respective state office of the governor website and state health department website.

e. **Search Terms:**

i. Keyword searches for “emergency declaration,” “state of emergency,” “disaster declaration,” “coronavirus,” “COVID-19,” and “pandemic” were supplemented by reviewing the databases listed in subsection (d) above.

ii. Once all of the relevant orders and policies were identified for a jurisdiction, a Master Sheet was created for each jurisdiction. The Master Sheet includes the date the orders or policies were issued as well as any internal effective dates for the mitigation policies in scope. Any order expiration dates were also noted.

iii. The research for all 51 jurisdictions was conducted 100% independently by the Researchers, reviewed by the Supervisor, and compared to the research sources listed in subsection (d) above to confirm that all relevant law was collected by the Researchers.
iv. Divergences, or differences between the original research and the secondary sources, were reviewed by the Supervisor and resolved by the Team.

f. **Initial Returns and Additional Inclusion or Exclusion Criteria**: For this dataset, the Team collected state statutes, regulations, state emergency declarations and mitigation policies related to the COVID-19 pandemic. Mitigation policies include administrative actions, orders, declarations, or proclamations issued by the Governor’s office or another state department or agency regarding social distancing measures to mitigate the spread of COVID-19. No litigation was included, with the exception of the question on whether abortion services are permitted, the Wisconsin Supreme Court ruling lifting the stay-at-home order on May 13, 2020, and as needed to answer the question on requirements regarding operations of correctional facilities.

   i. The following variables were **excluded** from the dataset:
   - Medicaid related policies including Section 1135 waivers
   - Eviction moratorium policies
   - Fiscal measures related to COVID-19
   - Press announcements and website bulletins, except when necessary to cite formal school closures
   - Preschool closures
   - Restrictions on dental procedures
   - Policies about PPE restrictions or distancing requirements inside businesses, except in the context of limiting on-site service in restaurants (e.g., Kansas)
   - Telehealth policies
   - Public emergency medical professional licensure procedures
   - Election and distance voting policies
   - FAQs, Guidelines, Clarifications not amounting to an official order unless it is explicitly internally referenced by an order
   - Limited stay-at-home orders for designated populations

   g. **BroadStreet Collaboration**: For the second, third, fourth, and fifth batches of states, we collaborated with a volunteer team of researchers from BroadStreet, a Milwaukee-based company creating data visualization tools on COVID-19, to help identify executive orders within scope and assist with building the longitudinal orders. For Batch 2, the BroadStreet team redundantly researched and collected laws for Michigan, Wyoming, and Washington and assisted our team with building text versions of the executive orders. The BroadStreet team developed a Google Sheet to record their research findings and initial coding decisions. A supervisor from BroadStreet compared their Google Sheet with our master sheets and worked with the Supervisor to identify the divergences and refine the Google Sheet process. For Batch 3, the BroadStreet team collected laws for all 10 states (Delaware, Florida, Idaho, Illinois, Indiana, Maine, Maryland, Mississippi, Ohio, and Wisconsin). For Batches 4 and 5, the BroadStreet team collected the laws for the remaining jurisdictions, assisted with the conversion of PDF files, and added any updates for all jurisdictions through July 1, 2020.
IV. Coding

a. **Development of Coding Scheme:** The Team conceptualized and created coding questions that would focus on statewide mitigation policies related to the COVID-19 pandemic and then circulated them to subject matter experts for review. When the questions were finalized, the Team entered them into MonQcle, a web-based software-coding platform. The team then used the collected law built in MonQcle to answer the questions that were developed.

b. **Coding methods:** Researchers coded responses based on objective, measurable aspects of the law. Caution notes are provided to explain certain coding scheme decisions, any unique regulations and/or where the law was unclear. Below we have highlighted unique situations. As described in Section III (f) above, our Team only included explicit measures that were formally specified in statutes, regulations, administrative actions, orders, declarations, or proclamations issued by the Governor’s office or another state department or agency. Some states have not released formal measures; instead, they rely on clarifications via FAQs and other guidance documents on state websites. In these instances, the laws on the books, which are collected and coded in our dataset, may be different from the implementation on ground and other sources tracking these policies. Below are descriptions of unique circumstances in some of the states.

**California.** The California Governor issued a stay-at-home/shelter-in-place order on March 19, 2020. This order requires residents to stay-at-home except as needed to maintain the continuity of operations of the federal critical infrastructure, which is further defined in the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency, Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response. This order, in effect, implies a closure of all non-essential businesses (including restaurants) and schools, as well as a ban on all public gatherings. Further, the California Department of Public Health guidance on Coronavirus Disease 2019 (COVID-19) and Retail Food, Beverage, and Other Related Service Venues states that restaurants should be closed for in-restaurant seated dining and be open for drive-through, pick-up, or delivery. Although guidance documents are normally considered beyond the scope of this dataset, the Governor’s March 19 order requires all residents to immediately heed the current State public health directives, as well as any orders and guidance of state public health officials. Therefore, we coded business closures, restaurant restrictions, and gathering bans included within the guidance documents mentioned above. This coding decision was made after the original publication of Batch 1 and aligns with the policy tracking work done by the Boston University School of Public Health in their COVID-19 US State Policy Database.

**Florida.** A press release was issued on March 17, 2020 announcing that all public and private K-12 and career and technical center campuses were closed through April 15, 2020. The release also stated that public state colleges, and private college and campuses and buildings are closed for the remainder of the spring semester. Based on this we coded the following school closures from March 17, 2020 through April 15, 2020: "Private elementary schools," “Private secondary
schools,” “Public elementary schools,” “Public secondary schools,” “Colleges and Universities,” “Technical schools.”

Two additional press releases were issued (one on March 31, 2020 and one on April 18, 2020), which recommended extensions of the closures for public and private K-12 schools. Because these were recommendations, rather than requirements, beginning on April 16, 2020, we coded only “Colleges and Universities” for school closures.

Kansas. Similarly to California, Kansas had a stay-at-home order but did not explicitly have a business closure order. Executive Order No. 20-16, issued on March 28, 2020 and effective on March 30, 2020, required that all Kansas residents stay-at-home unless performing an essential activity. This order, in effect, implied a closure of all non-essential businesses, but as of April 15, 2020, the date through which laws were tracked for Batch 1, there was no order explicitly requiring the closure of non-essential businesses. Therefore, we coded “No” for the business closure question for Batch 1. However, Executive Order 20-25, issued on April 17, 2020 and effective on April 18, 2020, states that the requirements of Executive Order No. 20-16 mean that restaurants may provide takeout or delivery service only, with no dine-in service. Based on the explicit recognition in Executive Order 20-25 that the stay-at-home order closed restaurants for dine-in service, we changed the coding of the business closure questions for Batch 2 publication. Beginning with the March 30, 2020 iteration, we coded business closures based on the stay-at-home order. This coding decision aligns with the policy tracking work done by the Boston University School of Public Health in their COVID-19 US State Policy Database.

Connecticut. Connecticut is often cited by many sources as having a stay-at-home order. These sources cite to the Governor’s Executive Order No. 7H, issued on March 20, 2020. This order requires all businesses and not-for-profit entities to employ telecommuting and work from home policies while reducing their in-person workforces at workplace locations (with limited exceptions for essential businesses) by 100%, effective March 23, 2020. While this could imply a stay-at-home order, it is not explicit like the other states, which specifically require state residents to stay at home, and resembles more of an essential-business closure. In keeping with our coding scheme, we have coded Connecticut as not having a stay-at-home order. This coding decision also aligns with the policy tracking work done by the Boston University School of Public Health in their COVID-19 US State Policy Database.

Texas. Texas does not have an order explicitly requiring that businesses close. However, Executive Order No. GA-16 states that “people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms, massage establishments, tattoo studios, piercing studios, or cosmetology salons; provided, however, that the use of drive-thru, pickup, or delivery options for food and drinks is allowed and highly encouraged throughout the limited duration of this executive order. This executive order does not prohibit people from accessing essential or reopened services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other essential or reopened services,” This language indicates an effective business closure. Therefore, we
coded “Yes” for the business closure and restaurant restriction questions based on this order.

**Washington.** Proclamation 20-13, issued on March 16, 2020, prohibits the operation of several types of businesses, prohibits the onsite consumption of food and/or beverages in restaurants and bars, and is the basis for coding business closures from March 16, 2020 until March 25, 2020. Effective March 25, 2020, the coding of business closures is based on Proclamation 20-25, Washington’s stay-at-home order. Proclamation 20-25 amends and supersedes Proclamation 20-13 to prohibit all people in Washington State from leaving their homes or participating in gatherings, and prohibits all non-essential businesses in Washington State from conducting business, within certain limitations. Because Washington moved from specific business closures (included in Proclamation 20-13) to a blanket closure of all non-essential businesses (included in Proclamation 20-25), the coding for questions 7.1 and 7.2 changed beginning with the March 25, 2020 iteration. Specifically, for question 7.1, coding changed from “Non-essential retail businesses,” “Entertainment businesses,” “Personal service businesses,” “Restaurants,” “Bars,” and “Fitness centers” to “All non-essential businesses” and “Restaurants.” For question 7.2, coding changed from “Convenience stores,” “Gas stations,” “Grocery stores,” “Pharmacies,” and “Pet stores” to “No restriction on retail businesses.” These coding changes were due to the switch from specific business closures to a blanket closure of all non-essential businesses, and not due to the reopening of any businesses.

**Wisconsin.** On May 13, 2020, the Wisconsin Supreme Court invalidated the majority of State of Wisconsin Emergency Order No. 28: Safer at Home Order, which had mandated Wisconsin’s statewide stay-at-home order, including relevant gathering bans and business closures. In its ruling on *Wisconsin Legislature v. Secretary-Designee Andrea Palm et al.*, the court held that Emergency Order No. 28 was subject to statutory emergency rulemaking procedures and could therefore not be enforced as it had not been subject to required rulemaking processes. Based on the ruling, the statewide stay-at-home order, including its gathering bans, business closures, and social distancing requirements were lifted. The court specifically upheld section 4.a. of Emergency Order 28, allowing for school closures to remain in place on a statewide basis. The ruling does not affect county, city, or other local orders that mirrored the restrictions set forth by Emergency Order No. 28 (e.g. Milwaukee and Madison stay-at-home orders remained in effect after May 13, 2020).

c. **General coding notes:** The following general coding conventions were followed for this dataset:
   - Coding records for each jurisdiction at a certain point in time (an iteration) were built for the date in which an order was issued, as well as for any in-text effective dates.
     - For example, if the state issued an order on March 15, but a restaurant restriction mentioned within the order does not go into effect until March 17, both a March 15 iteration was built to capture
the date of issuance and a March 17 iteration was built where the
restaurant restriction was coded affirmatively.

- If a coding response is based on a provision that became effective at a
  particular time of day, the provision was coded for that exact day regardless
  of the time.
  - For example, if the required closure of non-essential businesses
    was scheduled to go into effect at 10:00pm on March 26, this
closure was coded for the March 26 iteration.

- When an order or a specific restriction expired at a particular time of day,
  we included the order and coded the restriction for that day.
  - For example, if the closure of fitness centers expired at 12:00pm on
    May 14, we coded the closure of fitness centers on May 14, and
    removed the coding of that restriction beginning on May 15.
  - There is one exception here, which occurred in Nevada, where an
    order was issued on March 18, but proclaimed to be effective at
    11:59pm on March 17. This particular order was coded only in the
    March 18 record.

- If an order is in place until a certain date, the order is removed and un-
coded on that certain date.
  - For example: Order A is in effect until May 10. Order A is removed
    from the record, and not coded, in the May 10 iteration.

- For policies issued from the state that did not apply statewide, the specific
  localities where the policy does apply were indicated in a caution note in the
  questions asking about statewide application.

- For partial re-opening orders, the closure will be un-coded with a caution
  note.
  - For example, if there is an executive order allowing personal service
    businesses to re-open at 50% capacity to provide limited
    services (i.e. haircuts but no blow drying), coders would un-code the personal
    services closure under question 7.1 and add a caution note
    explaining the limited re-opening.

d. Coding rules applying to specific questions: Below is an explanation of the
specific rules used when coding the questions in this dataset. Not every dataset
question or response is included in the section below; instead, we have included
those that required an explanation or definition.

  - **Question 1: Has the state instituted legal action aimed at mitigating the
    spread of COVID-19?**
    - Coded “Yes” upon issuance or effective date of administrative actions,
      orders, declarations or proclamations of the Governor’s office or another
      state department or agency regarding social distancing measures to
      mitigate the spread of COVID-19.

  - **Question 2: Is there an emergency declaration in effect in the state?**
    - Coded “Yes” when there was a state of emergency in effect as issued by
      a governor or other state official.
○ Question 3: Is there a restriction on travelers?
  ▪ Coded “Yes” when there was a requirement pertaining to people who enter the state from another state or country.
  ▪ Coded “No” and included a caution note if the only restriction on travelers was a restriction regarding people disembarking from ships.
  ▪ Specific restrictions on travelers who have tested positive for COVID-19 were deemed out of scope for this question.

○ Question 3.1: What types of travelers are restricted?
  ▪ If “Travelers from specified states” or “Travelers from specified countries” was coded, a caution note was added to indicate from which specific states/countries the restricted travelers originated.
  ▪ Coded “General international travelers” where there was a restriction that applied to travelers returning from international travel without identifying a specific country.

○ Question 3.2: What does the traveler restriction mandate?
  ▪ Coded “Traveler must inform others of travel” when the law delineated a clear requirement that the traveler must inform others specifically of their travel (i.e. requiring travelers to contact employers and not go to work without further clarification is insufficient to code inform of travel requirement).

○ Question 4: Is there a requirement that residents stay home?
  ▪ Coded “Yes” for stay-at-home orders that apply to the general population as a whole (with some exceptions).
  ▪ Coded “No” where limited stay-at-home orders applied to specific groups of people (i.e. vulnerable populations, persons in nursing homes, or persons with chronic lung disease).

○ Question 4.1: What are the exceptions to the stay-at-home requirement?
  ▪ Coded “Engaging in essential business activities” when the order allowed residents to leave home to access, support, or provide life-sustaining business services or critical infrastructure.

○ Question 6: Is there a requirement that residents use masks?
  ▪ Coded “Yes” if there was a mask requirement that applied to the general public or if there was a mask requirement that applied only to businesses or employees.
  ▪ If the requirement applied only to businesses or employees, a caution note was included to indicate those details.

○ Question 7: Is there a requirement that businesses close?
  ▪ Coded “Yes” where businesses, including restaurants and/or bars, were closed to on-site consumption but remained permitted to offer products or services through off-site methods.
  ▪ Added a caution note if the state explicitly allowed for curbside pickup/delivery for businesses generally.
- An order that allows for curbside pickup at a closed business is not enough to qualify as a reopening of that business.
- Omitted caution notes explicitly related to takeout or delivery allowances for restaurants or bars.

**Question 7.1: What types of businesses are required to close?**

- Coded a closure for restaurants or bars for either on-premises consumption closures or for total closures.
- Coded “Non-essential retail businesses” when there is either a closure of all non-essential retail businesses or a closure of specified non-essential retail businesses.
  - This includes when a mall is required to be closed.
  - “Personal service businesses” includes hair salons, barbershops, nail salons, body art/tattoo shops, massage centers, and tanning facilities.
  - “Entertainment businesses” includes movie theaters, theaters or concert halls, gaming facilities, and arcades.
  - “Bars” also include locations where 50% or more of gross revenue is derived from alcohol sales, as seen in Florida, Tennessee, and Texas.

When a particular type of business within a category is permitted to reopen, the reopening was handled in the following way:

- If only one type of business within a category was permitted to reopen, and that type of business was the only basis for coding an answer choice, the coding of the corresponding answer choice was removed and a caution note included with the details of the closure.
  - For example, if “Entertainment businesses” was coded solely based on the closure of movie theaters, then movie theaters were permitted to open, we removed the coding of “Entertainment businesses”.

- If only one type of business within a category is permitted to reopen, and that type of business was **not** the only basis for coding an answer choice, we left the answer choice coded and included a caution note with the details of the closure.
  - For example, if “Entertainment businesses” was coded based on the closure of movie theaters, bowling alleys, concert halls, and arcades, then only movie theaters were permitted to open, we kept the coding of “Entertainment businesses” and added a caution note regarding the movie theater closure.

- If more than one type of business within a category was permitted to open, the coding of the corresponding answer choice was removed and a caution note included with the details of the closure.
  - For example, if tanning facilities and spas were permitted to reopen, the coding of “Personal service businesses” was removed.
o **Question 7.2: What is considered an essential retail business?**

  ▪ Coded “No restriction on retail businesses” when “Non-essential retail businesses” was not coded in the question “What type of businesses are required to close.”
  ▪ Coded “Type of essential retail business not specified” when non-essential retail businesses are closed but the order did not specify what was considered an essential retail business.
  ▪ A business is considered essential when the law specifies that a type of worker is essential
    • For example, if an order says that grocery store workers are considered essential employees, “grocery stores” were coded.

o **Question 7.3: Does the requirement apply statewide?**

  ▪ Coded “Yes” if there was at least one type of business closure coded in Question 7.1 that applied statewide. If there was a closure to another type of business coded in Question 7.1, which only applied to specific counties, those details were included in a caution note.
    • For example, if Florida closed restaurants, bars, and fitness centers statewide, but then in the May 4 iteration it reopened restaurants for all but three counties, we would still code “Yes” for this question because closure of bars and fitness centers still applied statewide. A caution note would be added here about the reopening of restaurants in some counties.
  ▪ Coded “No” if none of the business closures applied statewide.
  ▪ If an order outlines a reopening plan with different phases, but there is no order or other document confirming that at least one county, region, or other part of the state has moved into a reopening phase, “Yes” was coded.

o **Question 8.1: What type of service is allowed?**

  ▪ Coded “Takeout” when the law permitted drive-through service or curbside pick-up for restaurants.
  ▪ Coded “Takeout” and “Delivery” if the state permitted restaurants to provide “off-premise consumption.”
  ▪ Coded “Limited on-site service” if the state permitted restaurants to open at reduced capacity (e.g. 50% capacity).

o **Question 9: Is there a requirement that schools close?**

  ▪ Orders that extended spring break were included as a school closure.

o **Question 9.1: What type of schools are required to close?**

  ▪ If the mandate stated that “public and private schools” or “all K-12 schools” are closed without further specification of the type of school, “Public elementary schools”, “Public secondary schools”, “Private elementary schools”, and “Private secondary schools” were coded.
  ▪ If the mandate stated that public schools for pre K-12 students are closed, “Public elementary schools” and “Public secondary schools” were coded.
- Secondary schools answer choices were coded if the order specified the closure of high schools.
- “Colleges and Universities” and “Technical schools” were coded where the closure order included post-secondary schools.
- If the order closed “all public school classes,” this did not include colleges and universities or technical schools.
- If boarding schools or residential school programs were closed, this was indicated in a caution note.
- Due to the complexity of how charter schools are operated from state to state, we did not code or caution note closures to charter schools.

- **Question 11:** Is there a restriction on medical procedures?
  - Coded “Yes” if the state issued an order or directive.
  - Coded “No” when the state made only recommendations or requests.

- **Question 11.1:** What procedures are allowed under the restriction?
  - Exceptions listed within the definition of an essential medical procedure were coded.
  - Coded “Delay would threaten patient’s life” only when there was an explicit allowance for cases where a delay would threaten a patient’s life.
  - Coded “Procedure does not deplete PPE” when there was a requirement that “each healthcare setting MUST be able to procure all necessary PPE for routine services via normal supply chains.”
  - Included a caution note when the law permits certain healthcare services to resume.

- **Question 11.2:** Are abortion services permitted under the restriction?
  - A court order relevant to this question was included in a caution note, but the text of the actual court order was excluded from the record.
  - Citations were provided for answers coded “No” where a restriction on abortion services explicitly appeared in the state orders.
  - Abortion services were considered to be included within allowances for family planning services.

- **Question 12:** Is there a requirement regarding the operations of correctional facilities?
  - Coded “Yes” if there was an executive order or an order from the state Department of Corrections regarding prisons or jails.
  - Coded “No” when the requirement applies only to pretrial detainees, and not to individuals sentenced to a period of incarceration.
  - Coded “No” when a requirement is announced in a press release, news bulletin, or other unofficial document, without a corresponding order.
  - Adjustments to operations in psychiatric facilities were scoped out.
  - If a requirement applied to “all state facilities” without any sort of contextual application to correctional facilities, the requirement was not coded.

- **Question 12.2:** What type of requirement exists?
- Coded “Release of inmates” only when a facility was required to release inmates.
- When any rules regarding inmate release are suspended (i.e. even if only temporarily suspended), “Rules regarding inmate release suspended” was coded.

- Question 13: Does the state explicitly preempt local regulation of social distancing?
  - Coded “Yes” when there was a legal provision explicitly limiting the power of localities to issue restrictions related to social distancing. This included when states superseded any and all local actions on a given subject, as was the case in Alaska.
    - Exception: when the superseding language only applied to previous local orders, “No” was coded with a caution note, as was the case in Alabama.
  - We did not code for the preemption of orders that were not otherwise within the scope of our coding questions.
    - For example, if a provision preempted local orders regulating beaches, we did not code “Yes” for preemption based on that provision.

- Question 14: Does the state explicitly allow local authorities to impose additional requirements?
  - Coded “Yes” where a state explicitly refrained from intervening on more restrictive local orders, as was the case in Kansas where “local stay-at-home orders that are more restrictive” were not impacted by the state order.
  - We did not code for the preemption of orders that were not otherwise within the scope of our coding questions.
    - For example, if a provision preempted local orders regulating beaches, we did not code “Yes” for preemption based on that provision.

V. Quality Control

a. Quality Control – Coding

  i. **Original coding:** Quality control of the original coding consisted of the Supervisor exporting the data into a Microsoft Excel document once the Researchers completed coding and made all coding corrections after the redundant coding review to examine the data for any missing entries, citations, and caution notes.

  ii. **Redundant coding:** The redundant coding process is 100% independent, redundant coding by two Researchers of each jurisdiction. Redundant coding means individual iterations are assigned and coded independently by the two Researchers. Divergences, or differences
between the original coding and redundant coding, are resolved through consultation and discussion with subject matter experts and the Team.

To ensure rigor and accuracy, we modified our usual quality control process for the first 10 jurisdictions (Batch 1) to include redundant coding measures, but delay post-production statistical quality control until all batches are completed. We did an additional round of redundant coding during Batch 2 to ensure alignment with the coding scheme after the addition of two new researchers. No redundant coding was done for Batch 3, Batch 4, or Batch 5.

For Batch 1, there were 132 total iterations containing laws. The first iteration and the final iteration in each state was assigned for redundant coding (n=20). Of the remaining 112 iterations, 78 of those included substantive coding changes. We randomly assigned 20% (n=16) of the 78 substantive iterations for redundant coding. Thus, a total of 36 iterations were redundantly coded for Batch 1. The rate of divergence (or differences between the coded responses) was 6.35% on April 23, 2020. A coding review meeting was held and all divergences were resolved.

For Batch 2, there were 155 total iterations containing laws. To ensure alignment with the coding scheme for the new researchers on the team, the final iteration of each state was assigned for redundant coding (n=10). The rate of divergences was 9.56% on May 19, 2020. A coding review meeting was held and all divergences were resolved.

During production of Batch 2, Batch 1 states were updated from April 15, 2020 through April 30, 2020. These states were not assigned for redundant coding, but the original coders were asked to check their Batch 1 coding in light of any coding decisions made during the Batch 2 redundant coding review.

The team did not perform redundant coding for Batches 3, 4, and 5. However, the team reviewed coding responses against various secondary sources in addition to meeting to discuss the final data to ensure consistency across the states and previous batches. Additional redundant coding and additional quality control measures will be implemented now that all jurisdictions are completed.

iii. **Final Data Check:** Prior to publication of each batch, the Supervisor downloaded all coding data into Microsoft Excel to do a final review of coding answers, citations, and caution notes. All unnecessary caution notes were deleted, and all necessary caution notes were edited for publication.