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## ATTORNEY GENERAL ISSUES OPINION ON SCOPE OF GOVERNOR'S EMERGENCY ORDERS

*Emergency directives supersede any conflicting action taken by local governments*

Nashville- Tennessee Attorney General Herbert H. Slatery III, responding to a request from Lt. Governor Randy McNally and Speaker Cameron Sexton, has issued an Opinion regarding the priority of Governor Bill Lee's series of executive orders governing the State's emergency response during the COVID-19 health crisis.

Governor Lee has issued emergency management orders that, among other things, currently require everyone in Tennessee to stay at home unless engaging in essential activity or essential services, and place restrictions on social gatherings and business operations.

The executive orders are all aimed at diminishing the spread of COVID-19 and ensuring the State maintains the resources needed to protect the health and well-being of its citizens.

In the Opinion, General Slatery points to state law which provides "a broad grant of authority...that the General Assembly has vested solely in the office of the governor-to assume control over all aspects of the State's response to an emergency such as the COVID-19 pandemic."

Specifically, Tenn. Code Ann. § 58-2-107(a) says, "the Governor may assume direct operational control over all or any part of the emergency management functions within this state. . . and is authorized to delegate such powers as [he] may deem prudent."

"The General Assembly clearly intended the Governor's emergency management powers to be exclusive and to override any action taken by political subdivisions and local agencies that conflicts with the Governor's executive orders. This avoids the unmanageable predicament of multiple governmental actions in the midst of an emergency. The General Assembly specified one authoritative voice on state-wide emergencies," said General Slatery.

To read the Opinion, click here:

<https://www.tn.gov/content/dam/tn/attorneygeneral/documents/ops/2020/op20-07.pdf>

