

EXECUTIVE ORDER AMENDED NUMBER FIFTY-ONE (2020)

**Extending Declaration of a State of Emergency
Due to Novel Coronavirus (COVID-19)**

Importance of the Issue

The Commonwealth of Virginia continues to respond to the novel coronavirus (COVID19) pandemic.

Therefore, I declare that a state of emergency continues to exist in the Commonwealth of Virginia with respect to our response to the potential spread of COVID-19, a communicable disease of public health threat. The effects of COVID-19 constitute a disaster as described in § 44-146.16 of the Code of Virginia (Code). By virtue of the authority vested in me by Article V of the Constitution of Virginia, by §§ 44-146.17 and 44-75.1 of the Code, as Governor and Director of Emergency Management and Commander-in-Chief of the Commonwealth's armed forces, I proclaim that a state of emergency continues to exist. Accordingly, I again direct state and local governments to continue to render appropriate assistance to prepare for this event, to alleviate any conditions resulting from the situation, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions as much as possible. Emergency services shall be conducted in accordance with § 44-146.13 et seq. of the Code.

In order to marshal all public resources and appropriate preparedness, response, and recovery measures, I order the following actions:

A. Implementation by state agencies of the Commonwealth of Virginia's Emergency Operations Plan, as amended, along with other appropriate state plans.

B. Activation of the Virginia Emergency Operations Center and the Virginia Emergency Support Team, as directed by the State Coordinator of Emergency Management, to coordinate the provision of assistance to state, local, and tribal governments and to facilitate emergency services assignments to other agencies.

C. Authorization for the heads of executive branch agencies, on behalf of their regulatory boards as appropriate, and with the concurrence of their Cabinet Secretary, to waive any state requirement or regulation, and enter into contracts without regard to normal procedures or formalities, and without regard to application or permit fees or royalties. All waivers issued by agencies shall be posted on their websites.

D. Activation of § 59.1-525 et seq. of the Code related to price gouging.

E. Activation of the Virginia National Guard to State Active Duty.

F. Authorization of a maximum of \$10,000,000 in state sum sufficient funds for state and local government mission assignments and state response and recovery operations authorized and coordinated through the Virginia Department of Emergency Management allowable by The Stafford Act, 42 USC § 5121 et seq. Included in this authorization is \$1,000,000 for the Department of Military Affairs, if it is called to State Active Duty.

Effective Date of this Executive Order

This Order shall be effective as of March 12, 2020, and shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 26th day of May, 2020.

EXECUTIVE ORDER NUMBER SIXTY-ONE (2020) AND ORDER OF PUBLIC HEALTH EMERGENCY THREE

Importance of the Issue

On March 12, 2020, I declared a state of emergency existed in the Commonwealth due to the spread of the novel coronavirus (COVID-19), a communicable disease of public health threat. In that Order, I banned out-of-state travel for state employees, with some limited exceptions. The next day, I closed all K-12 schools for two weeks. Two days later, I ordered a statewide ban on public events of more than 100 people according to guidance from the Center on Disease Control and Prevention. On March 17, 2020, the State Health Commissioner and I issued Order of Public Health Emergency One (Health Order No. 1), later amended, which limited restaurants, fitness centers, and theaters to 10 or fewer patrons.

On March 23, 2020, I issued Executive Order 53. That Order closed certain recreational and entertainment business, limited the operations of non-essential retail businesses, restaurants and dining establishments, and banned gatherings of more than 10 people. It also closed all K-12 schools for the remainder of the academic school year and urged Virginians to stay home except for essential travel. Executive Order 55, which was issued on March 30, 2020, established a temporary Stay at Home Order unless carrying out a necessary life function and continued limiting all in-person gatherings to 10 people or fewer. It also ceased in-person instruction of less than 10 people at all institutions of higher education, restricted certain reservations at privately-owned campgrounds, and closed all public beaches except for exercising and fishing.

The objective of these actions was to slow the spread of this virulent and deadly disease. These extreme measures were necessary to save lives. By issuing the Stay at Home Order, encouraging physical distancing and teleworking, restricting businesses and gatherings, we lowered transmission rates. These measures also prevented our healthcare systems from being overwhelmed—affording our healthcare systems and healthcare providers time to acquire the tools and resources necessary to respond to the virus. Equally as important, these measures were also necessary to prepare Virginians for the new normal of living and working in the midst of a pandemic.

Now, we must set the path forward. While Virginia's efforts and sacrifices seem to have slowed the spread of the virus, we know it is still present. It is critical that as we begin to ease some of the restrictions in the next phase of our response, we remain vigilant, cautious, and measured. We cannot race back to the lives we led before the pandemic. The path forward will not be business as usual. We must remember to continue to practice physical distancing, to continue teleworking, whenever possible, to wash our hands frequently, to not touch our faces, and to wear face covering whenever possible. These measures, as well as the ones outlined below, are meant to make necessary ventures outside of your home safer, but everyone, especially those who may be more vulnerable to the virus, must understand we are all safer at home.

Directive

Therefore, by virtue of the authority vested in me by Article V of the Constitution of Virginia, by § 44-146.17 of the Code of Virginia, by any other applicable law, and in furtherance of Executive Order 51, and by virtue of the authority vested in the State Health Commissioner pursuant to §§ 32.1-13, 32.1-20, and 35.1-10 of the Code of Virginia, the following is ordered:

A. EASING OF BUSINESS RESTRICTIONS

1. All Businesses

Any businesses, not listed in this section, should adhere to the Guidelines for All Business Sectors expressly incorporated by reference herein as best practices. This guidance is located [here](#).

2. Restaurants, Dining Establishments, Food Courts, Breweries, Microbreweries, Distilleries, Wineries, and Tasting Rooms

Effective 12:00 a.m., Friday, May 15, 2020, restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, and tasting rooms may operate delivery, take-out, and outdoor dining and beverage services only, provided such businesses comply with the Guidelines for All Business Sectors, and sector-specific guidance for restaurant and beverage services incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. Occupancy may not exceed the 50% of the lowest occupancy load on the certificate of occupancy, if applicable.
- b. No more than 10 patrons may be seated as a party.
- c. Tables at which dining parties are seated must be positioned six feet apart from other tables. If tables are not movable, parties must be seated at least six feet apart.
- d. No self-service of food (except beverages), including condiments. Condiments should be removed from tables and dispensed by employees upon the request of a customer. Buffets must be staffed by servers. For self-service beverage areas, use beverage equipment designed to dispense by a contamination-free method.

may be used for customer seating as long as a minimum of six feet is provided between parties at tables.

- f. Employees working in customer-facing areas must wear face coverings over their nose and mouth at all times.
- g. A thorough cleaning and disinfection of frequently contacted surfaces must be conducted every 60 minutes during operation. Tabletops, chairs, and credit card/bill folders must be cleaned in between patrons.
- h. If any such business cannot adhere to these requirements, it must close.

3. Farmers Markets

Effective 12:00 a.m., Friday, May 15, 2020, farmers markets may reopen, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for farmers markets incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. On-site shopping is allowed, as long as physical distancing guidelines are followed. Configure operations to avoid congestion or congregation points.
- b. Employees and vendors in customer-facing areas must wear face coverings over their nose and mouth at all times.
- c. Vendors must supply hand sanitizer stations or hand washing stations for patrons and employees.
- d. A thorough cleaning and disinfection of frequently contacted surfaces must be conducted.
- e. If any such business cannot adhere to these requirements, it must close.

4. Brick And Mortar Retail Businesses Not Listed In Section C, Paragraph 1 (Non-Essential Retail)

Effective 12:00 a.m., Friday, May 15, 2020, any brick and mortar retail business not listed in section C, paragraph 1 may continue to operate, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidance for brick and mortar retail expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. Occupancy must be limited to no more than 50% of the lowest occupancy load on the certificate of occupancy.
- b. Employees working in customer-facing areas must wear face coverings over their nose and mouth at all times.
- c. If any such business cannot adhere to these requirements, it must close.

5. Fitness and Exercise Facilities

Effective 12:00 a.m., Friday, May 15, 2020, fitness centers, gymnasiums, recreation centers, sports facilities, and exercise facilities may reopen for outdoor activities only. Indoor activities are prohibited. Outdoor activities may be conducted provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for fitness and exercise facilities expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. Patrons, members, and guests must remain at least ten feet apart during all activities.
- b. Hot tubs, spas, splash pads, spray pools, and interactive play features must be closed.
- c. Outdoor swimming pools may be open for lap swimming only and must be limited to one person per lane.
- d. Employees working in customer-facing areas are required to wear face coverings over their nose and mouth at all times.
- e. Employers must ensure cleaning and disinfection of shared equipment after each use.
- f. Facilities shall prohibit the use of any equipment that cannot be thoroughly disinfected between uses (e.g., climbing rope, exercise bands, etc.).
- g. Businesses must supply hand sanitizer stations or hand washing stations for patrons, members, and guests.
- h. All group outdoor activities may not have more than 10 guests, patrons, or members.
- i. If any such business cannot adhere to these requirements, it must close.

6. Personal Care and Personal Grooming Services

where personal care or personal grooming services are performed may reopen, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for personal care and personal grooming services expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. Occupancy may not exceed 50% of the lowest occupancy load on the certificate of occupancy with at least six feet of physical distancing between work stations and only one appointment per service provider at a time.
- b. Service providers and employees working in customer-facing areas must wear face coverings over their nose and mouth at all times.
- c. Provide face coverings for clients or ask that clients bring a face covering with them, which they must wear during the service. Limit services to only those that can be completed without clients removing their face covering.
- d. A thorough cleaning and disinfection of frequently-contacted surfaces must be conducted every 60 minutes in operations, while cleaning and disinfecting all personal care and personal grooming tools after each use. If that is not possible such items must be discarded.
- e. If any such business cannot adhere to these requirements, it must close.

7. Campgrounds

Effective 12:00 a.m., Friday, May 15, 2020, privately-owned campgrounds, as defined in § 35.1-1 of the Code of Virginia may reopen, provided they comply with the Guidelines for All Business Sectors and the sector-specific guidelines for campgrounds, which are expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. A minimum of 20 feet must be maintained between units for all lots rented for short-term stays of less than 14 nights (and not owned by individuals).
- b. Employees working in public-facing areas are required to wear face coverings over their nose and mouth at all times.
- c. It is recommended that campgrounds must strongly encourage customers to wear face coverings over their nose and mouth.
- d. The provision of hand washing in bath houses and sanitizing stations for guests and employees.
- e. If any such business cannot adhere to these requirements, it must close.

8. Indoor Shooting Ranges

Effective 12:00 a.m., Friday, May 15, 2020, indoor shooting ranges may reopen, provided they comply with the following requirements:

- a. Occupancy must be limited to 50% of the lowest occupancy load on the certificate of occupancy with at least six feet of physical distancing between individuals at all times. Use every other lane to achieve six feet of physical distancing.
- b. Employees working in customer-facing areas are required to wear face coverings over their nose and mouth at all times.
- c. Perform thorough cleaning and disinfection of frequently contacted surfaces every 60 minutes in operation, while disinfecting all equipment between each customer use and prohibiting the use of equipment that cannot be thoroughly disinfected.
- d. Either thoroughly clean shared or borrowed equipment in between uses, or only allow the use of personal equipment at the range.
- e. It is recommended that facilities strongly encourage patrons, members, and guests to wear face coverings over their nose and mouth while in the facility.
- f. If any such indoor shooting range cannot adhere to these requirements, it must close.

9. Enforcement

Guidelines for All Business Sectors and the sector-specific guidelines appear [here](#). The Virginia Department of Health shall have authority to enforce section A of this Order. Any willful violation or refusal, failure, or neglect to comply with this Order, issued pursuant to § 32.1-13 of the Code of Virginia is punishable as a Class 1 misdemeanor pursuant to § 32.1-27 of the Code of Virginia. The State Health Commissioner may also seek injunctive relief in circuit court for violation of this Order, pursuant to § 32.1-27 of the Code of Virginia. In addition, any agency with regulatory authority over a business listed in section A may enforce this Order as to that business to the extent permitted by law.

B. CONTINUED RESTRICTIONS

1. Certain Recreational and Entertainment Businesses

- a. Theaters, performing arts centers, concert venues, museums, and other indoor entertainment centers;
- b. Racetracks and historic horse racing facilities; and
- c. Bowling alleys, skating rinks, arcades, amusement parks, trampoline parks, fairs, arts and craft facilities, aquariums, zoos, escape rooms, public and private social clubs, and all other places of indoor public amusement.

2. All Public And Private In-Person Gatherings

All public and private in-person gatherings of more than 10 individuals are prohibited. The presence of more than 10 individuals performing functions of their employment is not a "gathering." A "gathering" includes, but is not limited to, parties, celebrations, or other social events, whether they occur indoors or outdoors.

This restriction does not apply to the gathering of family members living in the same residence. "Family members" include blood relations, adopted, step, and foster relations, as well as all individuals residing in the same household. Family members are not required to maintain physical distancing while in their homes.

a. Effective 12:00 a.m., Friday, May 15, 2020, individuals may attend religious services subject to the following requirements:

- i. Religious services must be limited to no more than 50% of the lowest occupancy load on the certificate of occupancy of the room or facility in which the religious services are conducted.
- ii. Individuals attending religious services must be at least six feet apart when seated and must practice proper physical distancing at all times. Family members, as defined above, may be seated together.
- iii. Mark seating in six-foot increments and in common areas where attendees may congregate.
- iv. Persons attending religious services must strongly consider wearing face coverings over their nose and mouth at all times.
- v. No items can be passed to or between attendees, who are not family members, as defined above.
- vi. Any items used to distribute food or beverages must be disposable, used only once, and discarded.
- vii. A thorough cleaning and disinfection of frequently contacted surfaces must be conducted prior to and following any religious service.
- viii. Post signage at the entrance that states that no one with a fever or symptoms of COVID-19 is permitted in the establishment.
- ix. Post signage to provide public health reminders regarding social distancing, gatherings, options for high risk individuals, and staying home if sick.
- x. If religious services cannot be conducted in compliance with the above requirements, they must not be held in-person.

Further, any social gathering held in connection with a religious service is subject to the public and private in-person gatherings restriction in section B, paragraph 2. Additional suggested guidance can be found [here](#).

3. K-12 Schools

K-12 schools, public and private, will continue to be closed for in-person instruction for the remainder of the 2019-2020 school year. Those facilities providing child care services may remain open.

4. Institutions of Higher Education

Institutions of higher education shall continue to cease all in-person classes and instruction, and cancel all gatherings of more than ten individuals. For purposes of facilitating remote learning, performing critical research, or performing essential functions, institutions of higher education may continue to operate, provided that social distancing requirements are maintained.

5. Public Beaches

Continued closure of all public beaches as defined in § 10.1-705 of the Code of Virginia for all activity, except exercising and fishing. Physical distancing requirements must be followed.

6. Overnight Summer Camps

Overnight services of summer camps, as defined in § 35.1-1 of the Code of Virginia, must cease.

Violations of section B paragraphs 1, 2, 4, 5, and 6 of this Order shall be a Class 1 misdemeanor pursuant to § 44-146.17 of the Code of Virginia.

C. CONTINUED GUIDANCE AND DIRECTION

1. Essential Retail Businesses

Essential retail businesses as set out below may remain open during their normal business hours. They should comply with the Guidelines for All Business Sectors expressly incorporated by referenced and linked [here](#), as best practices. Employers are required to provide face coverings to employees.

- a. Grocery stores, pharmacies, and other retailers that sell food and beverage products or pharmacy products, including dollar stores, and department stores with grocery or pharmacy operations;
- b. Medical, laboratory, and vision supply retailers;
- c. Electronic retailers that sell or service cell phones, computers, tablets, and other communications technology;
- d. Automotive parts, accessories, and tire retailers as well as automotive repair facilities;
- e. Home improvement, hardware, building material, and building supply retailers;
- f. Lawn and garden equipment retailers;
- g. Beer, wine, and liquor stores;
- h. Retail functions of gas stations and convenience stores;
- i. Retail located within healthcare facilities;
- j. Banks and other financial institutions with retail functions;
- k. Pet and feed stores;
- l. Printing and office supply stores; and
- m. Laundromats and dry cleaners.

2. State Agencies

All relevant state agencies shall continue to work with all housing partners to execute strategies to protect the health, safety, and well-being of Virginians experiencing homelessness during this pandemic and to assist Virginians in avoiding evictions or foreclosures.

3. Face Coverings

The waiver of § 18.2-422 of the Code of Virginia is continued, so as to allow the wearing of a medical mask, respirator, or any other protective face covering for the purpose of facilitating the protection of one's personal health in response to the COVID-19 public health emergency declared by the State Health Commissioner on February 7, 2020, and reflected in Executive Order 51 declaring a state of emergency in the Commonwealth. Executive Order 51 remains so amended. This waiver is effective as of March 12, 2020.

4. Large State Events

Continued cancellation of all specially-scheduled state conferences and large events.

5. State Travel

Continued cessation of all official travel outside of Virginia by state employees, with increased flexibility for inter-state commuters and essential personnel.

6. Exceptions

Nothing in the Order shall limit: (a) the provision of health care or medical services; (b) access to essential services for low-income residents, such as food banks; (c) the operations of the media; (d) law enforcement agencies; or (e) the operation of government.

7. Expiration of Order

Effective Date of this Executive Order

This Order shall be effective 12:00 a.m., Friday, May 15, 2020. This Order further amends Executive Order 55 (2020). Unless otherwise expressly provided herein, this Executive Order shall remain in full force and effect until 11:59 p.m., Wednesday, June 10, 2020, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia and the Seal of the Office of the State Health Commissioner of the Commonwealth of Virginia, this 8th day of May, 2020.

/s/ Ralph S. Northam
Governor

EXECUTIVE ORDER NUMBER SIXTY-ONE (2020) AND AMENDED ORDER OF PUBLIC HEALTH EMERGENCY THREE

Phase One Easing of Certain Temporary Restrictions Due to Novel Coronavirus (COVID-19)

Expansion of Permitted Activities at Beaches in the City of Virginia Beach

Importance of the Issue

On March 12, 2020, I declared a state of emergency existed in the Commonwealth due to the spread of the novel coronavirus (COVID-19), a communicable disease of public health threat. In that Order, I banned out-of-state travel for state employees, with some limited exceptions. The next day, I closed all K-12 schools for two weeks. Two days later, I ordered a statewide ban on public events of more than 100 people according to guidance from the Center on Disease Control and Prevention. On March 17, 2020, the State Health Commissioner and I issued Order of Public Health Emergency One (Health Order No. 1), later amended, which limited restaurants, fitness centers, and theaters to 10 or fewer patrons.

On March 23, 2020, I issued Executive Order 53. That Order closed certain recreational and entertainment business, limited the operations of non-essential retail businesses, restaurants and dining establishments, and banned gatherings of more than 10 people. It also closed all K-12 schools for the remainder of the academic school year and urged Virginians to stay home except for essential travel. Executive Order 55, which was issued on March 30, 2020, established a temporary Stay at Home Order unless carrying out a necessary life function and continued limiting all in-person gatherings to 10 people or fewer. It also ceased in-person instruction of less than 10 people at all institutions of higher education, restricted certain reservations at privately-owned campgrounds, and closed all public beaches except for exercising and fishing.

The objective of these actions was to slow the spread of this virulent and deadly disease. These extreme measures were necessary to save lives. By issuing the Stay at Home Order, encouraging physical distancing and teleworking, restricting businesses and gatherings, we lowered transmission rates. These measures also prevented our healthcare systems from being overwhelmed—affording our healthcare systems and healthcare providers time to acquire the tools and resources necessary to respond to the virus. Equally as important, these measures were also necessary to prepare Virginians for the new normal of living and working in the midst of a pandemic.

Now, we must set the path forward. While Virginia's efforts and sacrifices seem to have slowed the spread of the virus, we know it is still present. It is critical that as we begin to ease some of the restrictions in the next phase of our response, we remain vigilant, cautious, and measured. We cannot race back to the lives we led before the pandemic. The path forward will not be business as usual. We must remember to continue to practice physical distancing, to continue teleworking, whenever possible, to wash our hands frequently, to not touch our faces, and to wear face covering whenever possible. These measures, as well as the ones outlined below, are meant to make necessary ventures outside of your home safer, but everyone, especially those who may be more vulnerable to the virus, must understand we are all safer at home.

Directive

Therefore, by virtue of the authority vested in me by Article V of the Constitution of Virginia, by § 44-146.17 of the Code of Virginia, by any other applicable law, and in furtherance of Executive Order 51, and by virtue of the authority vested in the State Health Commissioner pursuant to §§ 32.1-13, 32.1-20, and 35.1-10 of the Code of Virginia, the following is ordered:

A. EASING OF BUSINESS RESTRICTIONS

1. All Businesses

Any businesses, not listed in this section, should adhere to the Guidelines for All Business Sectors expressly incorporated by reference herein as best practices. This guidance is located here.



Effective 12:00 a.m., Friday, May 15, 2020, restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, and tasting rooms may operate delivery, take-out, and outdoor dining and beverage services only, provided such businesses comply with the Guidelines for All Business Sectors, and sector-specific guidance for restaurant and beverage services incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. Occupancy may not exceed the 50% of the lowest occupancy load on the certificate of occupancy, if applicable.
- b. No more than 10 patrons may be seated as a party.
- c. Tables at which dining parties are seated must be positioned six feet apart from other tables. If tables are not movable, parties must be seated at least six feet apart.
- d. No self-service of food (except beverages), including condiments. Condiments should be removed from tables and dispensed by employees upon the request of a customer. Buffets must be staffed by servers. For self-service beverage areas, use beverage equipment designed to dispense by a contamination-free method.
- e. Bar seats and congregating areas of restaurants must be closed to patrons except for through-traffic. Non-bar seating in an outdoor bar area may be used for customer seating as long as a minimum of six feet is provided between parties at tables.
- f. Employees working in customer-facing areas must wear face coverings over their nose and mouth at all times.
- g. A thorough cleaning and disinfection of frequently contacted surfaces must be conducted every 60 minutes during operation. Tabletops, chairs, and credit card/bill folders must be cleaned in between patrons.
- h. If any such business cannot adhere to these requirements, it must close.

3. Farmers Markets

Effective 12:00 a.m., Friday, May 15, 2020, farmers markets may reopen, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for farmers markets incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. On-site shopping is allowed, as long as physical distancing guidelines are followed. Configure operations to avoid congestion or congregation points.
- b. Employees and vendors in customer-facing areas must wear face coverings over their nose and mouth at all times.
- c. Vendors must supply hand sanitizer stations or hand washing stations for patrons and employees.
- d. A thorough cleaning and disinfection of frequently contacted surfaces must be conducted.
- e. If any such business cannot adhere to these requirements, it must close.

4. Brick And Mortar Retail Businesses Not Listed In Section C, Paragraph 1 (Non-Essential Retail)

Effective 12:00 a.m., Friday, May 15, 2020, any brick and mortar retail business not listed in section C, paragraph 1 may continue to operate, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidance for brick and mortar retail expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. Occupancy must be limited to no more than 50% of the lowest occupancy load on the certificate of occupancy.
- b. Employees working in customer-facing areas must wear face coverings over their nose and mouth at all times.
- c. If any such business cannot adhere to these requirements, it must close.

5. Fitness and Exercise Facilities

Effective 12:00 a.m., Friday, May 15, 2020, fitness centers, gymnasiums, recreation centers, sports facilities, and exercise facilities may reopen for outdoor activities only. Indoor activities are prohibited. Outdoor activities may be conducted provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for fitness and exercise facilities expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. Patrons, members, and guests must remain at least ten feet apart during all activities.

- c. Outdoor swimming pools may be open for lap swimming only and must be limited to one person per lane.
- d. Employees working in customer-facing areas are required to wear face coverings over their nose and mouth at all times.
- e. Employers must ensure cleaning and disinfection of shared equipment after each use.
- f. Facilities shall prohibit the use of any equipment that cannot be thoroughly disinfected between uses (e.g., climbing rope, exercise bands, etc.).
- g. Businesses must supply hand sanitizer stations or hand washing stations for patrons, members, and guests.
- h. All group outdoor activities may not have more than 10 guests, patrons, or members.
- i. If any such business cannot adhere to these requirements, it must close.

6. Personal Care and Personal Grooming Services

Effective 12:00 a.m., Friday, May 15, 2020, beauty salons, barbershops, spas, massage centers, tanning salons, tattoo shops, and any other location where personal care or personal grooming services are performed may reopen, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for personal care and personal grooming services expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. Occupancy may not exceed 50% of the lowest occupancy load on the certificate of occupancy with at least six feet of physical distancing between work stations and only one appointment per service provider at a time.
- b. Service providers and employees working in customer-facing areas must wear face coverings over their nose and mouth at all times.
- c. Provide face coverings for clients or ask that clients bring a face covering with them, which they must wear during the service. Limit services to only those that can be completed without clients removing their face covering.
- d. A thorough cleaning and disinfection of frequently-contacted surfaces must be conducted every 60 minutes in operations, while cleaning and disinfecting all personal care and personal grooming tools after each use. If that is not possible such items must be discarded.
- e. If any such business cannot adhere to these requirements, it must close.

7. Campgrounds

Effective 12:00 a.m., Friday, May 15, 2020, privately-owned campgrounds, as defined in § 35.1-1 of the Code of Virginia may reopen, provided they comply with the Guidelines for All Business Sectors and the sector-specific guidelines for campgrounds, which are expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

- a. A minimum of 20 feet must be maintained between units for all lots rented for short-term stays of less than 14 nights (and not owned by individuals).
- b. Employees working in public-facing areas are required to wear face coverings over their nose and mouth at all times.
- c. It is recommended that campgrounds must strongly encourage customers to wear face coverings over their nose and mouth.
- d. The provision of hand washing in bath houses and sanitizing stations for guests and employees.
- e. If any such business cannot adhere to these requirements, it must close.

8. Indoor Shooting Ranges

Effective 12:00 a.m., Friday, May 15, 2020, indoor shooting ranges may reopen, provided they comply with the following requirements:

- a. Occupancy must be limited to 50% of the lowest occupancy load on the certificate of occupancy with at least six feet of physical distancing between individuals at all times. Use every other lane to achieve six feet of physical distancing.
- b. Employees working in customer-facing areas are required to wear face coverings over their nose and mouth at all times.
- c. Perform thorough cleaning and disinfection of frequently contacted surfaces every 60 minutes in operation, while disinfecting all equipment between each customer use and prohibiting the use of equipment that cannot be thoroughly disinfected.
- d. Either thoroughly clean shared or borrowed equipment in between uses, or only allow the use of personal equipment at the range.

f. If any such indoor shooting range cannot adhere to these requirements, it must close.

9. Enforcement

Guidelines for All Business Sectors and the sector-specific guidelines appear [here](#). The Virginia Department of Health shall have authority to enforce section A of this Order. Any willful violation or refusal, failure, or neglect to comply with this Order, issued pursuant to § 32.1-13 of the Code of Virginia is punishable as a Class 1 misdemeanor pursuant to § 32.1-27 of the Code of Virginia. The State Health Commissioner may also seek injunctive relief in circuit court for violation of this Order, pursuant to § 32.1-27 of the Code of Virginia. In addition, any agency with regulatory authority over a business listed in section A may enforce this Order as to that business to the extent permitted by law.

B. CONTINUED RESTRICTIONS

1. Certain Recreational and Entertainment Businesses

All public access to recreational and entertainment businesses set forth below shall remain closed:

- a. Theaters, performing arts centers, concert venues, museums, and other indoor entertainment centers;
- b. Racetracks and historic horse racing facilities; and
- c. Bowling alleys, skating rinks, arcades, amusement parks, trampoline parks, fairs, arts and craft facilities, aquariums, zoos, escape rooms, public and private social clubs, and all other places of indoor public amusement.

2. All Public And Private In-Person Gatherings

All public and private in-person gatherings of more than 10 individuals are prohibited. The presence of more than 10 individuals performing functions of their employment is not a "gathering." A "gathering" includes, but is not limited to, parties, celebrations, or other social events, whether they occur indoors or outdoors.

This restriction does not apply to the gathering of family members living in the same residence. "Family members" include blood relations, adopted, step, and foster relations, as well as all individuals residing in the same household. Family members are not required to maintain physical distancing while in their homes.

a. Effective 12:00 a.m., Friday, May 15, 2020, individuals may attend religious services subject to the following requirements:

- i. Religious services must be limited to no more than 50% of the lowest occupancy load on the certificate of occupancy of the room or facility in which the religious services are conducted.
- ii. Individuals attending religious services must be at least six feet apart when seated and must practice proper physical distancing at all times. Family members, as defined above, may be seated together.
- iii. Mark seating in six-foot increments and in common areas where attendees may congregate.
- iv. Persons attending religious services must strongly consider wearing face coverings over their nose and mouth at all times.
- v. No items can be passed to or between attendees, who are not family members, as defined above.
- vi. Any items used to distribute food or beverages must be disposable, used only once, and discarded.
- vii. A thorough cleaning and disinfection of frequently contacted surfaces must be conducted prior to and following any religious service.
- viii. Post signage at the entrance that states that no one with a fever or symptoms of COVID-19 is permitted in the establishment.
- ix. Post signage to provide public health reminders regarding social distancing, gatherings, options for high risk individuals, and staying home if sick.
- x. If religious services cannot be conducted in compliance with the above requirements, they must not be held in-person.

Further, any social gathering held in connection with a religious service is subject to the public and private in-person gatherings restriction in section B, paragraph 2. Additional suggested guidance can be found [here](#).

3. K-12 Schools

providing child care services may remain open.

4. Institutions of Higher Education

Institutions of higher education shall continue to cease all in-person classes and instruction, and cancel all gatherings of more than ten individuals. For purposes of facilitating remote learning, performing critical research, or performing essential functions, institutions of higher education may continue to operate, provided that social distancing requirements are maintained.

5. Public Beaches

With the exception of the City of Virginia Beach, the continued closure of all public beaches as defined in § 10.1-705 of the Code of Virginia for all activity, except exercising and fishing. Physical distancing requirements must be followed.

Effective 12:00 a.m., Friday, May 21, 2020, and provided activities on the public beaches are conducted in compliance with the requirements linked [here](#) and [here](#), the City of Virginia Beach may open its beaches to individual and family recreational activity, in addition to exercise and fishing.

6. Overnight Summer Camps

Overnight services of summer camps, as defined in § 35.1-1 of the Code of Virginia, must cease.

7. Enforcement

Violations of section B paragraphs 1, 2, 4, 5 (with the exception of the City of Virginia Beach), and 6 of this Order shall be a Class 1 misdemeanor pursuant to § 44-146.17 of the Code of Virginia.

C. CONTINUED GUIDANCE AND DIRECTION

1. Essential Retail Businesses

Essential retail businesses as set out below may remain open during their normal business hours. They should comply with the Guidelines for All Business Sectors expressly incorporated by reference and linked here, as best practices. Employers are required to provide face coverings to employees.

- a. Grocery stores, pharmacies, and other retailers that sell food and beverage products or pharmacy products, including dollar stores, and department stores with grocery or pharmacy operations;
- b. Medical, laboratory, and vision supply retailers;
- c. Electronic retailers that sell or service cell phones, computers, tablets, and other communications technology;
- d. Automotive parts, accessories, and tire retailers as well as automotive repair facilities;
- e. Home improvement, hardware, building material, and building supply retailers;
- f. Lawn and garden equipment retailers;
- g. Beer, wine, and liquor stores;
- h. Retail functions of gas stations and convenience stores;
- i. Retail located within healthcare facilities;
- j. Banks and other financial institutions with retail functions;
- k. Pet and feed stores;
- l. Printing and office supply stores; and
- m. Laundromats and dry cleaners.

2. State Agencies

All relevant state agencies shall continue to work with all housing partners to execute strategies to protect the health, safety, and well-being of Virginians experiencing homelessness during this pandemic and to assist Virginians in avoiding evictions or foreclosures.

3. Face Coverings



covering for the purpose of facilitating the protection of one's personal health in response to the COVID-19 public health emergency declared by the State Health Commissioner on February 7, 2020, and reflected in Executive Order 51 declaring a state of emergency in the Commonwealth. Executive Order 51 remains so amended. This waiver is effective as of March 12, 2020.

4. Large State Events

Continued cancellation of all specially-scheduled state conferences and large events.

5. State Travel

Continued cessation of all official travel outside of Virginia by state employees, with increased flexibility for inter-state commuters and essential personnel.

6. Exceptions

Nothing in the Order shall limit: (a) the provision of health care or medical services; (b) access to essential services for low-income residents, such as food banks; (c) the operations of the media; (d) law enforcement agencies; or (e) the operation of government.

7. Expiration of Order

Amended Order of the Governor and State Health Commissioner Declaration of Public Health Emergency, Order of Public Health Emergency One shall expire at 11:59 p.m., on May 14, 2020.

Effective Date of this Executive Order

This Order shall be effective 12:00 a.m., Friday, May 15, 2020. This Order further amends Executive Order 55 (2020). Unless otherwise expressly provided herein, this Executive Order shall remain in full force and effect until 11:59 p.m., Wednesday, June 10, 2020, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia and the Seal of the Office of the State Health Commissioner of the Commonwealth of Virginia, this 19th day of May, 2020.

/s/ Ralph S. Northam
Governor

EXECUTIVE ORDER NUMBER SIXTY-TWO (2020) AND ORDER OF PUBLIC HEALTH EMERGENCY FOUR

Jurisdictions Temporarily Delayed From Entering Phase One in Executive Order 61 and Permitted to Remain in Phase Zero NORTHERN VIRGINIA REGION

Importance of the Issue

Executive Order 61, issued on May 8, 2020, and effective at 12:00 a.m., May 15, 2020, eased certain restrictions imposed under Second Amended Executive Order 53 and Executive Order 55 (both Orders are collectively referred to as Phase Zero). Executive Order 61 sets out the Commonwealth of Virginia's path into Phase One. The easing of the Phase Zero restrictions was premised, in part, on the Commonwealth's achievement of certain metrics in responding to the novel coronavirus (COVID-19). The easing of those restrictions is meant to be a floor, and not a ceiling. As previously acknowledged, some regions may need to move into Phase One more slowly than the rest of the Commonwealth. Prior to issuing Executive Order 61, I advised that any locality unready to move into Phase One, upon my review and approval of their request to remain in Phase Zero, could do so.

On May 9, 2020, local officials from the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park, as well as the Towns of Dumfries, Herndon, Leesburg, and Vienna (Northern Virginia Region) requested to remain in Phase Zero. Data provided in connection with that request reveals that with respect to hospitalizations, percent positivity, and case numbers, the Northern Virginia Region faces unique challenges when compared to the rest of the Commonwealth. The Northern Virginia Region is substantially higher than the rest of the Commonwealth in percentage of positive tests for COVID-19. The Northern Virginia Region has about a 25% positivity rate, while the rest of the Commonwealth is closer to 10%. Further, in the last 24 hours, the Northern Virginia Region reported over 700 cases, while the rest of the Commonwealth reported approximately 270. On any given day, 70% of the Commonwealth's positive cases are attributable to the Northern Virginia Region.

In addition, while personal protective equipment (PPE) for hospitals appears to be adequate at this time, the Northern Virginia Region asserts PPE for outpatient facilities continues to be a challenge. Similarly, although the number of deaths in the Northern Virginia Region appear to be trending downward, COVID-19 patients in the Northern Virginia Region make up a significantly larger portion of the region's hospital bed capacity, when

the relevant data, I find the request to delay entering Phase One and to remain in Phase Zero appropriate.

Directive

Therefore, by virtue of the authority vested in me by Article V of the Constitution of Virginia, by § 44-146.17 of the Code of Virginia, by any other applicable law, and in furtherance of Executive Order 51, and by virtue of the authority vested in the State Health Commissioner pursuant to §§ 32.1-13, 32.1-20, and 35.1-10 of the Code of Virginia, I grant the Northern Virginia Region's request to remain in Phase Zero. Accordingly, as to the Northern Virginia Region, the following measures are extended effective 12:00 a.m. Friday, May 15, 2020:

1. Continued closure of all dining and congregation areas in restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, tasting rooms, and farmers markets. Restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, tasting rooms, and farmers markets may continue to offer delivery and take-out services.

2. Continued closure of all public access to recreational and entertainment businesses, as set forth below:

a. Theaters, performing arts centers, concert venues, museums, and other indoor entertainment centers;

b. Fitness centers, gymnasiums, recreation centers, indoor sports facilities, and indoor exercise facilities;

c. Beauty salons, barbershops, spas, massage parlors, tanning salons, tattoo shops, and any other location where personal care or personal grooming services are performed that would not allow compliance with physical distancing guidelines to remain six feet apart;

d. Racetracks and historic horse racing facilities; and

e. Bowling alleys, skating rinks, arcades, amusement parks, trampoline parks, fairs, arts and craft facilities, aquariums, zoos, escape rooms, indoor shooting ranges, public and private social clubs, and all other places of indoor public amusement.

3. Essential retail businesses may remain open during their normal business hours. Such businesses are:

a. Grocery stores, pharmacies, and other retailers that sell food and beverage products or pharmacy products, including dollar stores, and department stores with grocery or pharmacy operations;

b. Medical, laboratory, and vision supply retailers;

c. Electronic retailers that sell or service cell phones, computers, tablets, and other communications technology;

d. Automotive parts, accessories, and tire retailers as well as automotive repair facilities;

e. Home improvement, hardware, building material, and building supply retailers;

f. Lawn and garden equipment retailers;

g. Beer, wine, and liquor stores;

h. Retail functions of gas stations and convenience stores;

i. Retail located within healthcare facilities;

j. Banks and other financial institutions with retail functions;

k. Pet and feed stores;

l. Printing and office supply stores; and

m. Laundromats and dry cleaners.

Employers are required to provide face coverings to employees.

4. Any brick and mortar retail business not listed in paragraph 3 may continue to operate but must limit all in-person shopping to no more than 10 patrons per establishment. If any such business cannot adhere to the 10 patron limit with proper physical distancing requirements, it must close. Brick and mortar retail business not listed in paragraph 3 are encouraged to follow the Guidelines for All Business Sectors as best practices linked [here](#).

5. All businesses are encouraged to follow the Guidelines for All Business Sectors as best practices linked [here](#) and other appropriate workplace guidance from state and federal authorities while in operation.



possible. Where telework is not realistic, such business must adhere to physical distancing recommendations, enhanced sanitizing practices on common surfaces, and apply the relevant workplace guidance from state and federal authorities.

7. All individuals in Northern Virginia Region shall remain at their place of residence, except as provided below by this Order. To the extent individuals use shared or outdoor spaces, whether on land or on water, they must at all times maintain physical distancing of at least six feet from any other person, with the exception of family members, as defined below, or caretakers. Individuals may leave their residences for the purpose of:

- a. Obtaining food, beverages, goods, or services as permitted in this Order;
- b. Seeking medical attention, essential social services, governmental services, assistance from law enforcement, or emergency services;
- c. Taking care of other individuals, animals, or visiting the home of a family member;
- d. Traveling required by court order or to facilitate child custody, visitation, or child care;
- e. Engaging in outdoor activity, including exercise, provided individuals comply with physical distancing requirements;
- f. Traveling to and from one's residence, place of worship, or work;
- g. Traveling to and from an educational institution;
- h. Volunteering with organizations that provide charitable or social services; and
- i. Leaving one's residence due to a reasonable fear for health or safety, at the direction of law enforcement, or at the direction of another government agency.

8. All public and private in-person gatherings of more than 10 individuals are prohibited. The presence of more than 10 individuals performing functions of their employment is not a "gathering." A "gathering" includes, but is not limited to, parties, celebrations, or other social events, whether they occur indoors or outdoors. This restriction does not apply to the gathering of family members living in the same residence. "Family members" include blood relations, adopted, step, and foster relations, as well as all individuals residing in the same household. Family members are not required to maintain physical distancing while in their homes.

9. Continued cessation of all in-person instruction at K-12 schools, public and private, for the remainder of the 2019-2020 school year. Facilities providing child care services may remain open.

10. Institutions of higher education shall continue to cease all in-person classes and instruction, and cancel all gatherings of more than ten individuals. For purposes of facilitating remote learning, performing critical research, or performing essential functions, institutions of higher education may continue to operate, provided that physical distancing requirements are maintained.

11. Continued cessation of all reservations for overnight stays of less than 14 nights at all privately-owned campgrounds, as defined in § 35.1-1 of the Code of Virginia.

12. Continued closure of all public beaches as defined in § 10.1-705 of the Code of Virginia for all activity, except exercising and fishing. Physical distancing requirements must be followed.

13. Nothing in this Order shall limit: (a) the provision of health care or medical services; (b) access to essential services for low-income residents, such as food banks; (c) the operations of the media; (d) law enforcement agencies; or (e) the operation of government.

14. The continued waiver of § 18.2-422 of the Code of Virginia so as to allow the wearing of a medical mask, respirator, or any other protective face covering for the purpose of facilitating the protection of one's personal health in response to the COVID-19 public health emergency declared by the State Health Commissioner on February 7, 2020, and reflected in Executive Order 51 declaring a state of emergency in the Commonwealth. Executive Order 51 is so further amended. This waiver is effective as of March 12, 2020.

Violation of paragraphs 1, 2, 4, 8, 10, 11, 12 of this Order shall be a Class 1 misdemeanor pursuant to § 44-146.17 of the Code of Virginia.

The Northern Virginia Region's entrance into Phase One will be delayed and the restrictions above shall remain in place until 11:59 p.m., May 28, 2020.

Effective Date of this Executive Order

This Order shall be effective 12:00 a.m., Friday, May 15, 2020, and further amends Executive Order 55. Unless otherwise expressly provided herein, this Order shall remain in full force and effect until 11:59 p.m., Thursday, May 28, 2020, unless amended or rescinded by further executive order.



Commonwealth of Virginia, this 12th day of May, 2020.

/s/ Ralph S. Northam
Governor

EXECUTIVE ORDER NUMBER SIXTY-TWO (2020) AND AMENDED ORDER OF PUBLIC HEALTH EMERGENCY FOUR

Jurisdictions Temporarily Delayed From Entering Phase One in Executive Order 61 and Permitted to Remain in Phase Zero Phase Zero Jurisdictions

Importance of the Issue

Executive Order 61, issued on May 8, 2020, and effective at 12:00 a.m., May 15, 2020, eased certain restrictions imposed under Second Amended Executive Order 53 and Executive Order 55 (both Orders are collectively referred to as Phase Zero). Executive Order 61 sets out the Commonwealth of Virginia's path into Phase One. The easing of the Phase Zero restrictions was premised, in part, on the Commonwealth's achievement of certain metrics in responding to the novel coronavirus (COVID-19). The easing of those restrictions is meant to be a floor, and not a ceiling. As previously acknowledged, some regions may need to move into Phase One more slowly than the rest of the Commonwealth. Prior to issuing Executive Order 61, I advised that any locality unready to move into Phase One, upon my review and approval of their request to remain in Phase Zero, could do so.

On May 9, 2020, local officials from the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park, as well as the Towns of Dumfries, Herndon, Leesburg, and Vienna (Northern Virginia Region) requested to remain in Phase Zero. Data provided in connection with that request reveals that with respect to hospitalizations, percent positivity, and case numbers, the Northern Virginia Region faces unique challenges when compared to the rest of the Commonwealth. The Northern Virginia Region is substantially higher than the rest of the Commonwealth in percentage of positive tests for COVID-19. The Northern Virginia Region has about a 25% positivity rate, while the rest of the Commonwealth is closer to 10%. Further, in the last 24 hours, the Northern Virginia Region reported over 700 cases, while the rest of the Commonwealth reported approximately 270. On any given day, 70% of the Commonwealth's positive cases are attributable to the Northern Virginia Region.

In addition, while personal protective equipment (PPE) for hospitals appears to be adequate at this time, the Northern Virginia Region asserts PPE for outpatient facilities continues to be a challenge. Similarly, although the number of deaths in the Northern Virginia Region appear to be trending downward, COVID-19 patients in the Northern Virginia Region make up a significantly larger portion of the region's hospital bed capacity, when compared to COVID-19 hospitalizations in the rest of the Commonwealth. Consequently, after considering the Northern Virginia Region's request and the relevant data, I find the request to delay entering Phase One and to remain in Phase Zero appropriate.

On May 14, 2020, the City of Richmond and the County of Accomack requested to delay implementation of Phase One. Unlike many jurisdictions in the Commonwealth, the City of Richmond's percent positivity of COVID-19 cases has failed to decrease over the past two weeks. Further, its total case count grew. Although Accomack's population is .39% of the Commonwealth, its positive cases represent 2.14% of the statewide totals. Similarly, the number of COVID-19 cases in the County of Accomack continues to increase. Local health officials opine that the County of Accomack's total positive cases could increase by over fifty percent in a matter of days. After considering the City of Richmond's and the County of Accomack's requests and the relevant data, I find the requests to delay entering Phase One and to remain in Phase Zero appropriate.

Directive

Therefore, by virtue of the authority vested in me by Article V of the Constitution of Virginia, by § 44-146.17 of the Code of Virginia, by any other applicable law, and in furtherance of Executive Order 51, and by virtue of the authority vested in the State Health Commissioner pursuant to §§ 32.1-13, 32.1-20, and 35.1-10 of the Code of Virginia, I grant the Northern Virginia Region's, the City of Richmond's, and the County of Accomack's requests to remain in Phase Zero. Accordingly, as to the Northern Virginia Region, the City of Richmond, and the County of Accomack, including all towns and political subdivisions contained therein (collectively, Phase Zero Jurisdictions), the following measures are extended effective 12:00 a.m. Friday, May 15, 2020:

1. Continued closure of all dining and congregation areas in restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, tasting rooms, and farmers markets. Restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, tasting rooms, and farmers markets may continue to offer delivery and take-out services.
2. Continued closure of all public access to recreational and entertainment businesses, as set forth below:
 - a. Theaters, performing arts centers, concert venues, museums, and other indoor entertainment centers;
 - b. Fitness centers, gymnasiums, recreation centers, indoor sports facilities, and indoor exercise facilities;

grooming services are performed that would not allow compliance with physical distancing guidelines to remain six feet apart;

- d. Racetracks and historic horse racing facilities; and
 - e. Bowling alleys, skating rinks, arcades, amusement parks, trampoline parks, fairs, arts and craft facilities, aquariums, zoos, escape rooms, indoor shooting ranges, public and private social clubs, and all other places of indoor public amusement.
3. Essential retail businesses may remain open during their normal business hours. Such businesses are:
- a. Grocery stores, pharmacies, and other retailers that sell food and beverage products or pharmacy products, including dollar stores, and department stores with grocery or pharmacy operations;
 - b. Medical, laboratory, and vision supply retailers;
 - c. Electronic retailers that sell or service cell phones, computers, tablets, and other communications technology;
 - d. Automotive parts, accessories, and tire retailers as well as automotive repair facilities;
 - e. Home improvement, hardware, building material, and building supply retailers;
 - f. Lawn and garden equipment retailers;
 - g. Beer, wine, and liquor stores;
 - h. Retail functions of gas stations and convenience stores;
 - i. Retail located within healthcare facilities;
 - j. Banks and other financial institutions with retail functions;
 - k. Pet and feed stores;
 - l. Printing and office supply stores; and
 - m. Laundromats and dry cleaners.

Employers are required to provide face coverings to employees.

4. Any brick and mortar retail business not listed in paragraph 3 may continue to operate but must limit all in-person shopping to no more than 10 patrons per establishment. If any such business cannot adhere to the 10 patron limit with proper physical distancing requirements, it must close. Brick and mortar retail business not listed in paragraph 3 are encouraged to follow the Guidelines for All Business Sectors as best practices linked [here](#).
5. All businesses are encouraged to follow the Guidelines for All Business Sectors as best practices linked [here](#) and other appropriate workplace guidance from state and federal authorities while in operation.
6. Although business operations offering professional rather than retail services may remain open, they should utilize teleworking as much as possible. Where telework is not feasible, such businesses must adhere to physical distancing recommendations, enhanced sanitizing practices on common surfaces, and apply the relevant workplace guidance from state and federal authorities.
7. All individuals in Phase Zero Jurisdictions shall remain at their place of residence, except as provided below by this Order. To the extent individuals use shared or outdoor spaces, whether on land or on water, they must at all times maintain physical distancing of at least six feet from any other person, with the exception of family members, as defined below, or caretakers. Individuals may leave their residences for the purpose of:
- a. Obtaining food, beverages, goods, or services as permitted in this Order;
 - b. Seeking medical attention, essential social services, governmental services, assistance from law enforcement, or emergency services;
 - c. Taking care of other individuals, animals, or visiting the home of a family member;
 - d. Traveling required by court order or to facilitate child custody, visitation, or child care;
 - e. Engaging in outdoor activity, including exercise, provided individuals comply with physical distancing requirements;
 - f. Traveling to and from one's residence, place of worship, or work;



h. Volunteering with organizations that provide charitable or social services; and

i. Leaving one's residence due to a reasonable fear for health or safety, at the direction of law enforcement, or at the direction of another government agency.

8. All public and private in-person gatherings of more than 10 individuals are prohibited. The presence of more than 10 individuals performing functions of their employment is not a "gathering." A "gathering" includes, but is not limited to, parties, celebrations, or other social events, whether they occur indoors or outdoors. This restriction does not apply to the gathering of family members living in the same residence. "Family members" include blood relations, adopted, step, and foster relations, as well as all individuals residing in the same household. Family members are not required to maintain physical distancing while in their homes.

9. Continued cessation of all in-person instruction at K-12 schools, public and private, for the remainder of the 2019-2020 school year. Facilities providing child care services may remain open.

10. Institutions of higher education shall continue to cease all in-person classes and instruction, and cancel all gatherings of more than ten individuals. For purposes of facilitating remote learning, performing critical research, or performing essential functions, institutions of higher education may continue to operate, provided that physical distancing requirements are maintained.

11. Continued cessation of all reservations for overnight stays of less than 14 nights at all privately-owned campgrounds, as defined in § 35.1-1 of the Code of Virginia.

12. Continued closure of all public beaches as defined in § 10.1-705 of the Code of Virginia for all activity, except exercising and fishing. Physical distancing requirements must be followed.

13. Nothing in this Order shall limit: (a) the provision of health care or medical services; (b) access to essential services for low-income residents, such as food banks; (c) the operations of the media; (d) law enforcement agencies; or (e) the operation of government.

14. The continued waiver of § 18.2-422 of the Code of Virginia so as to allow the wearing of a medical mask, respirator, or any other protective face covering for the purpose of facilitating the protection of one's personal health in response to the COVID-19 public health emergency declared by the State Health Commissioner on February 7, 2020, and reflected in Executive Order 51 declaring a state of emergency in the Commonwealth. Executive Order 51 is so further amended. This waiver is effective as of March 12, 2020.

Violation of paragraphs 1, 2, 4, 8, 10, 11, 12 of this Order shall be a Class 1 misdemeanor pursuant to § 44-146.17 of the Code of Virginia.

The Phase Zero Jurisdictions' entrance into Phase One will be delayed and the restrictions above shall remain in place until 11:59 p.m., May 28, 2020.

Effective Date of this Executive Order

This Order shall be effective 12:00 a.m., Friday, May 15, 2020, and further amends Executive Order 55. Unless otherwise expressly provided herein, this Order shall remain in full force and effect until 11:59 p.m., Thursday, May 28, 2020, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia and the Seal of the Office of the State Health Commissioner of the Commonwealth of Virginia, this 14th day of May, 2020.

/s/ Ralph S. Northam
Governor

EXECUTIVE ORDER NUMBER SIXTY-THREE (2020) AND ORDER OF PUBLIC HEALTH EMERGENCY FIVE

Requirement to Wear Face Covering While Inside Buildings

Importance of the Issue

The Commonwealth of Virginia continues to respond to the novel coronavirus (COVID-19) pandemic. Measures undertaken over the last ten weeks have slowed the spread of the virus; however, its transmission continues to threaten our communities. We must remain vigilant. In fact, as we reopen Virginia, it is critical that we become even more vigilant. Studies of the virus show that a substantial number of individuals with coronavirus are asymptomatic. In addition, individuals who contract the virus may still transmit the virus to others before ever showing symptoms. Therefore, a person with no symptoms of the virus could spread it by speaking, coughing, or sneezing. As more people venture back to businesses, employees are put in a vulnerable position when patrons come in without a face covering. We must make sure workers are safe as they interact with



(CDC) recommends wearing cloth face coverings, even those made from household items or common materials in public settings. I strongly urge all Virginians to wear face coverings when leaving their homes. But as to indoor settings to which the public has access, mere encouragement is not enough to protect the health and safety of Virginians.

Directive

Therefore, by virtue of the authority vested in me by Article V of the Constitution of Virginia, by § 44-146.17 of the Code of Virginia, by any other applicable law, and in furtherance of Amended Executive Order 51, and by virtue of the authority vested in the State Health Commissioner pursuant to §§ 32.1-13, 32.1-20, and 35.1-10 of the Code of Virginia, the following is ordered:

A. Face Coverings Required-Patrons

All patrons in the Commonwealth aged ten and over shall when entering, exiting, traveling through, and spending time inside the settings listed below cover their mouth and nose with a face covering, as described and recommended by the CDC:

1. Personal care and personal grooming businesses, including but not limited to, beauty salons, barbershops, spas, massage centers, tanning salons, tattoo shops, and any other location where personal care or personal grooming services are provided.
2. All brick and mortar retail businesses, including both essential and non-essential brick and mortar retail businesses, as delineated in Amended Executive Order 61 and Amended Order of Public Health Emergency Three (2020).
3. Food and beverage establishments, including but not limited to, restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, tasting rooms, and farmers markets, when permitted to reopen for indoor dining.
4. Entertainment or recreation businesses, including but not limited to, racetracks, historic horse racing facilities, theaters, performing arts centers, concert venues, museums, and other indoor entertainment centers, bowling alleys, skating rinks, arcades, amusement parks, trampoline parks, fairs, arts and craft facilities, aquariums, zoos, escape rooms, public and private social clubs, and all other places of indoor public amusement, once permitted to reopen to the public. Face coverings shall also be required when patrons are outdoors at these businesses if a distance of six feet from every other person cannot be maintained.
5. Train stations, bus stations, and intrastate public transportation, including buses, rideshares, trains, taxis, and cars for hire, as well as any waiting or congregating areas associated with boarding public transportation. This requirement shall not apply in any area under federal jurisdiction or control.
6. Any other indoor place shared by groups of people who are in close proximity to each other. This restriction does not apply to persons while inside their residence or the personal residence of another. Face coverings may be removed to participate in a religious ritual.
7. State or local government buildings when accessed for the purpose of securing public services, with the exception of students in daycare centers or participating in-person classes in K-12 education or institutions of higher education.

B. Face Coverings Required-Employees of Essential Retail Businesses

All employees of essential retail businesses as listed in Amended Executive Order 61 and Amended Order of Public Health Emergency Three (2020), section C, paragraph 1 shall wear a face covering whenever working in customer facing areas. Amended Executive Order 61 and Amended Order of Public Health Emergency Three (2020) is so further amended.

C. Enforcement

The Virginia Department of Health shall have authority to enforce this Order. Any willful violation or refusal, failure, or neglect to comply with this Order, issued pursuant to § 32.1-13 of the Code of Virginia, is punishable as a Class 1 misdemeanor pursuant to § 32.1-27 of the Code of Virginia. The State Health Commissioner may also seek injunctive relief in circuit court for violation of this Order, pursuant to § 32.1-27 of the Code of Virginia. No minor shall be subject to criminal penalty for failure to wear a face covering. Adults accompanying minors should use the adult's best judgment with respect to placing face coverings on a minor between the ages of two through nine while inside the public areas noted above. Adults accompanying minors age 10 through 18 shall use reasonable efforts to prompt the minor to wear face coverings while inside the public areas noted above.

Medical-grade masks and personal protective equipment should be reserved for medical personnel. The use of cloth face coverings does not replace the need to maintain six feet of physical social distancing, clean and disinfect frequently touched surfaces routinely in all public settings, stay home when sick, and practice frequent handwashing.

D. Exceptions



1. While eating or drinking;
2. Individuals exercising or using exercise equipment;
3. Any person who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance;
4. Any person seeking to communicate with the hearing impaired and for which the mouth needs to be visible;
5. When temporary removal of the face covering is necessary to secure government or medical services; and
6. Persons with health conditions that prohibit wearing a face covering. Nothing in this Order shall require the use of a face covering by any person for whom doing so would be contrary to his or her health or safety because of a medical condition.

Any person who declines to wear a face covering because of a medical condition shall not be required to produce or carry medical documentation verifying the stated condition nor shall the person be required to identify the precise underlying medical condition.

E. Department of Labor and Industry

Except for paragraph B above, this Order does not apply to employees, employers, subcontractors, or other independent contractors in the workplace. The Commissioner of the Virginia Department of Labor and Industry shall promulgate emergency regulations and standards to control, prevent, and mitigate the spread of COVID-19 in the workplace. The regulations and standards adopted in accordance with §§ 40.1-22(6a) or 2.2-4011 of the Code of Virginia shall apply to every employer, employee, and place of employment within the jurisdiction of the Virginia Occupational Safety and Health program as described in 16 Va. Admin. Code § 25-60-20 and Va. Admin. Code § 25-60-30. These regulations and standards must address personal protective equipment, respiratory protective equipment, and sanitation, access to employee exposure and medical records and hazard communication. Further, these regulations and standards may not conflict with requirements and guidelines applicable to businesses set out and incorporated into Amended Executive Order 61 and Amended Order of Public Health Emergency Three.

Effective Date of this Executive Order

This Order is in furtherance of Amended Executive Order 51 (2020) and Amended Executive Order 61 and Amended Order of Public Health Emergency Three (2020). Further, this Order shall be effective 12:00 a.m., Friday, May 29, 2020, and shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia and the Seal of the Office of the State Health Commissioner of the Commonwealth of Virginia, this 26th day of May, 2020.

/s/ Ralph S. Northam
Governor

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