



*Commonwealth of Virginia*  
*Office of the Governor*

## *Executive Order*

**SEVENTH AMENDED NUMBER SEVENTY-TWO (2021)**

**AND**

**ORDER OF PUBLIC HEALTH EMERGENCY NINE**

**FURTHER EASING OF COMMONSENSE SURGE RESTRICTIONS  
DUE TO NOVEL CORONAVIRUS (COVID-19)**

### **Importance of the Issue**

**In responding to the coronavirus pandemic, Virginia has administered nearly seven million doses of the COVID-19 vaccine. More than four million people have received at least one dose of the vaccine—more than 30 percent of Virginians are fully vaccinated. COVID-19 cases, hospitalizations, and the percent of positive tests continue to fall throughout the Commonwealth. Virginia is currently reporting a percent positivity of 3.5 percent, lower than at any time since the start of the pandemic. The Commonwealth’s 7-day average of new cases is at 555, the lowest it has been in over 10 months. The number of Virginians hospitalized is at the lowest number of hospitalizations recorded. The improvement in these metrics is due in large measure to individuals and businesses doing the right thing.**

**We have made tremendous progress, and we can continue to ease certain restrictions. But the virus is still a threat to our communities. It is critical that every Virginian get vaccinated, and if unvaccinated, take precautions: avoid gatherings with anyone outside your household, practice hand sanitation, maintain proper physical distance from others, stay home when possible, and wear masks while indoors and in public. The science shows that vaccines are effective against the spread of the virus. Through its May 13, 2021 guidance, the Center for Disease Control and Protection (CDC) recognized the efficacy of vaccines and advised that it is now safe to no longer wear masks in certain circumstances.**

## **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 (2020), 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:

### **I. CONTINUED RESTRICTIONS**

#### **A. BUSINESS RESTRICTIONS**

##### **1. All Businesses**

Any business not listed in section I, subsections A or C must adhere to the Guidelines for All Business Sectors expressly incorporated by reference herein *as best practices*. The guidelines are located [here](#).

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

Restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, and tasting rooms may continue to operate delivery, take-out, and indoor and outdoor service, provided such businesses comply with the Guidelines for All Business Sectors, and sector-specific guidelines for restaurant and beverage services incorporated by reference herein. The guidelines include, but are not limited to, the following requirements:

- a. All private bookings are limited to **100** people indoors and **250** people outdoors, and must comply with section I, subsection B, paragraph 1.
- b. All parties must be separated by at least six feet, including in the bar area. 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.
- c. Customers may be provided with self-service options. Facilities must provide hand sanitizer at food lines and require the use of barriers (e.g., gloves or deli paper) when employees or patrons touch common utensils. Food lines must be monitored by trained staff at all times of operation, and serving utensils must be changed hourly.
- d. Employees must wear masks over their nose and mouth while working at their place of employment **in accordance with CDC guidance which is linked [here](#)**. Exceptions noted in section II do not apply.
- e. Patrons **should** wear masks over their nose and mouth **in accordance with CDC guidance and section II. CDC guidance is linked [here](#)**.

- f. Routine cleaning and disinfection of frequently-contacted surfaces must be conducted during operation. Tabletops must be cleaned in-between patrons.
- g. Congregating areas of restaurants must be closed to patrons except for through-traffic. Patrons may be seated at the bar for service, provided a minimum of six feet is provided between parties.
- h. If any such business cannot adhere to these requirements, it must close.

### 3. Farmers' Markets

Farmers' markets may continue to operate, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for farmers' markets incorporated by reference herein. The guidelines include, but are not limited to, the following requirements:

- a. Employees and patrons must maintain at least six feet of physical distance between individuals who are not Family members as defined in section I, subsection D, paragraph 2 at all times. Employees and vendors must, where possible, configure operations to avoid congestion or congregation points.
- b. Employees and vendors must wear masks over their nose and mouth while working at their place of employment **in accordance with CDC guidance, which is linked [here](#)**. Exceptions noted in section II do not apply.
- c. Employees and vendors must routinely clean and disinfect frequently-contacted surfaces during operation.
- d. Patrons **should** wear masks over their nose and mouth **in accordance with CDC guidance and section II. CDC guidance is linked [here](#)**.
- e. Farmers' markets must promote frequent and thorough hand washing, including by providing employees, customers, visitors, the general public, and other persons entering into the place of employment with a place to wash their hands. If soap and running water are not immediately available, provide hand sanitizer.
- f. If any such business cannot adhere to these requirements, it must close.

### 4. Brick and Mortar Retail Businesses Not Listed in Section I, Subsection C, Paragraph 1 (Non-Essential Retail)

Any brick and mortar retail business not listed in section I, subsection C, paragraph 1 may continue to operate, provided such business complies with the Guidelines for All Business Sectors and the sector-specific guidelines for brick and mortar retail incorporated by reference

herein. The guidelines includes, but is not limited to, the following requirements:

- a. Employees and patrons must maintain at least six feet of physical distance between individuals who are not Family members, as defined in section I, subsection D, paragraph 2, at all times.
- b. Employees must wear masks over their nose and mouth while working at their place of employment **in accordance with CDC guidance, which is linked [here](#)**. Exceptions noted in section II do not apply.
- c. Patrons **should** wear masks over their nose and mouth **in accordance with CDC guidance** and section II. **CDC guidance is linked [here](#)**.
- d. If any such business cannot adhere to these requirements, it must close.

## 5. Fitness and Exercise Facilities

Fitness centers, gymnasiums, recreation centers, sports facilities, and exercise facilities may continue to operate indoor and outdoor activities, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for fitness and exercise facilities incorporated by reference herein. The guidelines include, but are not limited to, the following requirements:

- a. Patrons, members, and guests who are not Family members as defined in section I, subsection D, paragraph 2, must remain at least ten feet apart during all activities except where necessary for the physical safety of an individual.
- b. Instructors and all participants of group exercise and fitness classes who are not Family members as defined in section I, subsection D, paragraph 2 must maintain at least ten feet of physical distance between each other at all times with the exception of swimming lessons, where parents or guardians may support a participant during class, and instructors may have contact with swimmers when necessary.
- c. Occupancy must be limited to 75 percent of the lowest occupancy load on the certificate of occupancy.
- d. The total number of attendees (including both participants and instructors) in all indoor group exercise and fitness classes cannot exceed the lesser of 75 percent of the minimum occupancy load on the certificate of occupancy or **100** persons. For all group exercise and fitness classes held outdoors, the total number of attendees cannot exceed **250** persons.
- e. Outdoor and indoor swimming pools may be open, provided occupancy is limited to no more than 75 percent of the lowest occupancy load on the certificate of occupancy and all swimmers maintain at least ten feet of physical distance from others who are not Family members as defined in section I, subsection D, paragraph 2.

- f. Employees must wear masks over their nose and mouth while working at their place of employment **in accordance with CDC guidance, which is linked [here](#)**. Exceptions noted in section II do not apply. Lifeguards responding to distressed swimmers are exempt from this requirement.
- g. Patrons **should** wear masks over their nose and mouth in accordance with CDC guidance **and section II. CDC guidance is linked [here](#)**.
- h. Employers must ensure cleaning and disinfection of shared exercise equipment after each use.
- i. Businesses must promote frequent and thorough hand washing, including by providing employees, customers, visitors, the general public, and other persons entering into the place of employment with a place to wash their hands. If soap and running water are not immediately available, provide hand sanitizers.
- j. If any such business cannot adhere to these requirements, it must close.

## 6. Personal Care and Personal Grooming Services

Beauty salons, barbershops, spas, massage centers, tanning salons, tattoo shops, and any other location where personal care or personal grooming services are performed may continue to operate, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for personal care and personal grooming services incorporated by reference herein. The guidelines include, but are not limited to, the following requirements:

- a. Service providers must maintain at least six feet of physical distance between work stations.
- b. Service providers must wear masks over their nose and mouth while working at their place of employment **in accordance with CDC guidance, which is linked [here](#)**. Exceptions noted in section II do not apply.
- c. Service providers must provide masks for clients or ask that clients bring a mask with them, which they must wear over their nose and mouth during the service **in accordance with CDC guidance**, except when treating the areas of the nose and mouth. **CDC guidance is linked [here](#)**.
- d. Routine cleaning and disinfection of frequently contacted surfaces must be conducted during operation. All personal care and personal grooming tools should be cleaned and disinfected after each use. If that is not possible, such items must be discarded.
- e. All private bookings are limited to **100** people indoors and **250** people outdoors, and must comply with section I, subsection B, paragraph 1.

- f. If any such business cannot adhere to these requirements, it must close.

## 7. Campgrounds

Privately-owned campgrounds as defined in § 35.1-1 of the *Code of Virginia* may continue to operate, provided they comply with the Guidelines for All Business Sectors and the sector-specific guidelines for campgrounds incorporated by reference herein. The guidelines include, but are not limited to, the following requirements:

- a. Employees must wear masks over their nose and mouth while working at their place of employment **in accordance with CDC guidance, which is linked [here](#)**. Exceptions noted in section II do not apply.
- b. Patrons **should** wear masks over their nose and mouth in accordance with CDC guidance **and section II. CDC guidance is linked [here](#)**.
- c. Businesses must promote frequent and thorough hand washing, including by providing employees, customers, visitors, the general public, and other persons entering into the place of employment with a place to wash their hands. If soap and running water are not immediately available, provide hand sanitizers.
- d. If any such business cannot adhere to these requirements, it must close.

## 8. Indoor Shooting Ranges

Indoor shooting ranges may continue to operate, provided they comply with the following requirements:

- a. Employees and patrons must maintain at least six feet of physical distance between individuals who are not Family members as defined in section I, subsection D, paragraph 2 at all times.
- b. Employees must wear masks over their nose and mouth while working at their place of employment **in accordance with CDC guidance, which is linked [here](#)**. Exceptions noted in section II do not apply.
- c. Perform thorough cleaning and disinfection of frequently-contacted surfaces during operation, while disinfecting all equipment between each customer use and prohibiting the use of equipment that cannot be thoroughly disinfected.
- d. Patrons **should** wear masks over their nose and mouth in accordance with CDC guidance **and section II. CDC guidance is linked [here](#)**.
- e. If any such indoor shooting range cannot adhere to these requirements, it must close.

## 9. Racetracks and Speedways

Outdoor racetracks may remain open for racing events, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for outdoor speedways and racetracks incorporated by reference herein. The guidelines include, but are not limited to, the following requirements:

- a. The event must be held at locations with the ability to restrict access (i.e., barriers and gating).
- b. All individuals must maintain at least six feet of physical distance between themselves and other participants who are not Family members as defined section I, subsection D, paragraph 2.
- c. Food services must adhere to the sector-specific guidelines for restaurant and beverage services and camping areas must adhere to the sector-specific guidelines for campgrounds.
- d. The total number of patrons cannot exceed **50** percent of the lowest occupancy load on the certificate of occupancy.
- e. Employees must wear masks over their nose and mouth while working at their place of employment **in accordance with CDC guidance, which is linked [here](#)**. Exceptions noted in section II do not apply.
- f. Patrons **should** wear masks over their nose and mouth **in accordance with CDC guidance and section II. CDC guidance is linked [here](#)**.
- g. Prohibit gatherings of more than **100** people indoors and **250** people outdoors in accordance with section I, subsection B, paragraph 1.

## 10. Entertainment and Amusement Businesses

Performing arts venues, concert venues, sports venues, convention centers, expos, movie theaters, museums, aquariums, fairs, carnivals, public and private social clubs, botanical gardens, entertainment centers, historic horse racing facilities, bowling alleys, skating rinks, arcades, trampoline parks, arts and craft facilities, escape rooms, amusement parks and zoos, and other places of public amusement may open provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for entertainment and public amusement incorporated by reference herein. The guidelines include, but are not limited to, the following requirements:

- a. The total number of spectators indoors cannot exceed the lesser of **50** percent of the lowest occupancy load on the certificate of occupancy, if applicable, or **1000** persons. The total number of spectators for outdoor venues cannot exceed **50** percent of the lowest occupancy load on the certificate of occupancy. If no occupancy load has been

determined, a ratio of 40 square feet per person shall be used to determine occupancy limits – only square footage that is likely to be accessed may be included. For example, a 100,000 square foot outdoor venue would have an occupancy load of 2,500 – of which no more than **50** percent (**1250** persons) shall be permitted.

- b. All private bookings are limited to **100** people indoors and **250** people outdoors in accordance with section I, subsection B, paragraph 1.
- c. Install visible markers for queue lines that separate people by six feet of physical distance.
- d. Create a guest flow plan of modified queue lines into and within the facility. Determine areas likely to become bottlenecks or pinch points and adjust guest flow accordingly.
- e. Require six feet of physical distance between parties.
- f. If interactive exhibits are in service, post signage to discourage congregating and encourage the use of hand sanitizer. Provide hand sanitizer stations around any interactive exhibits. Discontinue any interactive exhibits that pose a risk of children to placing items in their mouths.
- g. Practice routine cleaning and disinfection of high contact areas and hard surfaces.
- h. Employees are required to wear masks over their nose and mouth while working at their place of employment **in accordance with CDC guidance, which is linked [here](#)**. Exceptions noted in section II do not apply. Employees who must remove their mask to play a wind or brass instrument during a performance or rehearsal are exempt from this requirement as long as they maintain at least ten feet of physical distance from others.
- i. Patrons **should** wear masks over their nose and mouth in accordance with CDC guidance **and** section II. **CDC guidance is linked [here](#)**.
- j. Businesses must promote frequent and thorough hand washing, including by providing employees, customers, visitors, the general public, and other persons entering into the place of employment with a place to wash their hands. If soap and running water are not immediately available, provide hand sanitizer.
- k. If any such business cannot adhere to these requirements, it must close.

## 11. Recreational Sports

Indoor and outdoor recreational sports activities are permitted, provided participants and organizers of recreational sports activities comply with the sector-specific guidelines for recreational sports incorporated by reference herein. The guidelines include, but are not limited to, the following requirements:



- a. For sports played indoors, the total number of spectators cannot exceed the lesser of **50** percent of the occupancy load of the certificate of occupancy for the venue, or **250** persons per field. For sports played outdoors, the total number of spectators cannot exceed the lesser of **50** percent of the occupancy load of the certificate of occupancy for the venue or 1,000 spectators per field. Spectators **should** wear masks over their nose and mouth **in accordance with CDC guidance and** section II. **CDC guidance is linked [here](#)**. Six feet of physical distance must be maintained between spectators who are not Family members as defined in section I, subsection D, paragraph 2.
- b. Races or marathons must use a ratio of 40 square feet per person to determine occupancy limits – only square footage that is likely to be accessed may be included. For example, a 100,000 square foot race course would have an occupancy load of 2,500 – of which no more than **50** percent (**1250** persons) shall be permitted. Indoor race organizers must stagger starts and separate runners into groups of **100** or less. Outdoor races, such as cross country races or marathons where physical distancing of runners can be maintained, may include no more than **250** runners per grouping.
- c. Conduct screening of coaches, officials, staff, and players for COVID-19 symptoms, diagnosis of COVID-19, or known exposure to an individual with COVID-19, prior to admission to the venue/facility.
- d. Employees must wear masks over their nose and mouth while working at their place of employment **in accordance with CDC guidance, which is linked [here](#)**. Exceptions noted in section II do not apply.

For more information on how to reduce the risk of COVID-19 exposure and spread associated with indoor and outdoor recreational sports activities, consult the Virginia Department of Health’s “Considerations for Recreational Sports” webpage, which can be found [here](#).

## 12. Overnight Summer Camps

Overnight services of summer camps, as defined in § 35.1-1 of the *Code of Virginia*, may begin operation on May 1, 2021, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for overnight summer camps incorporated by reference herein. The guidelines include, but are not limited to, the following requirements:

- a. Employ the use of cohorts for the first 14 days of any camp session. Cohort size may not exceed 25 campers, not including camp personnel.
- b. Post signage to provide public health reminders regarding physical distancing, hand hygiene, respiratory etiquette, and reporting symptoms if sick. Signs must use age-appropriate language to be understandable by campers.
- c. All non-camp personnel who enter the camp must wear a mask **in accordance** section II,

**subsection E.**

- d. Campers above the age of five and camp personnel must wear a mask **in accordance with** section II, **subsection E.**
- e. If any such business cannot adhere to these requirements, it must close.

**13. Enforcement - Business Restrictions**

- a. Guidelines for All Business Sectors and the sector-specific guidelines appear [here](#).
- b. The Virginia Department of Health and the Virginia Alcoholic Beverage Control Authority shall have authority to enforce section I, subsection 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*.
- c. In addition, any agency with regulatory authority over a business listed in section I, subsection A, including but not limited to the Virginia Department of Labor and Industry, pursuant to § 40.1-51.1 of the *Code of Virginia*, the Department of Professional and Occupational Regulation, pursuant to 18 Va. Admin. Code § 41-20-280, and the Virginia Department of Agriculture and Consumer Services, pursuant to § 3.2-5106 of the *Code of Virginia*, or any other law applicable to these agencies, may enforce this Order as to that business.

**B. OTHER CONTINUED RESTRICTIONS**

**1. All Public and Private In-Person Gatherings**

All public and private in-person gatherings of more than **100** individuals indoors and **250** individuals outdoors are prohibited. A “gathering” includes, but is not limited to, parties, celebrations, or other social events, whether they occur indoors or outdoors. The presence of more than **100** individuals indoors, or **250** individuals outdoors, performing functions of their employment or assembled in an educational setting as defined below is not a “gathering.” The presence of more than **100** individuals indoors, or **250** individuals outdoors, in a particular location, such as a park, or retail business is not a “gathering” as long as individuals do not congregate. This restriction does not apply to the gathering of Family members as defined in section I, subsection D, paragraph 2 living in the same residence.

**2. Exceptions to All Public and Private In-Person Gatherings**

- a. Subject to the following requirements, the restriction in section I, subsection B paragraph 1 shall not bar individuals from attending religious services with more than **100**

individuals indoors, or **250** individuals outdoors provided individuals attending religious services:

- i. Practice proper physical distancing at all times.
- ii. Mark seating and common areas where attendees may congregate in six-foot increments to maintain physical distancing.
- iii. Ensure that any items used to distribute food or beverages either should be disposable or washed or cleaned between uses between individuals who are not Family members.
- iv. Conduct routine cleaning and disinfection of frequently-contacted surfaces prior to and following any religious service.
- v. Post signage at the entrance that states that no one with a fever or symptoms of COVID-19 is permitted to participate in the religious service.
- vi. Post signage to provide public health reminders regarding physical distancing, gatherings, options for high risk individuals, and staying home if sick.
- vii. Wear masks over their nose and mouth **in accordance with CDC guidance and section II. CDC guidance is linked [here](#).**
- viii. Post signage at the entrance of all indoor areas stating that individuals must wear a mask in accordance with this Order.

Parties attending religious services must be seated at least six feet apart from other parties.

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 I, subsection B, paragraph 1. Additional suggested guidelines can be found [here](#).

b. Individuals may gather in the following educational settings:

i. Instructional settings

A. Instructional settings include, but are not limited to, any assemblage of students, teachers, administrators, or other school staff for the purpose of: (1) educational instruction or (2) conducting activities that are related to educational instruction or result from educational instruction. Other social events or gatherings, even if school-sponsored or held on school property (such as PTA meetings, dances, fundraisers, and other similar events), are subject to the

gathering restriction in section I, subsection B, paragraph 1. This is true even if such events occur in connection with an exempt educational event.

B. Individuals assembled in an instructional setting must adhere to the applicable physical distancing and sanitization plan and guidelines of the relevant governing body or educational entity adopted pursuant to the State Health Commissioner's Order Public Health Emergency (June 8, 2020).

ii. Graduation and commencement ceremonies

A. Graduation and commencement ceremonies are programs sponsored, organized, and implemented by an educational institution to award a degree or diploma to its students for the successful completion of a course of study from the educational institution.

B. Graduation and commencement ceremonies must follow the guidelines found [here](#).

iii. School performances

A. School performances are theatrical and musical performances where the performers and participants are students, teachers, administrators, and other school staff.

B. School performances must follow the guidelines found [here](#).

### 3. Institutions of Higher Education

Institutions of higher education shall comply with all applicable requirements under the Phased Guidance of Virginia Forward and the "Guidelines for All Business Sectors." Any postsecondary provider offering vocational training in a profession regulated by a Virginia state agency/board must also comply with any sector-specific guidelines relevant to that profession to the extent possible under the regulatory training requirements. Such professions may include, but are not necessarily limited to: aesthetician, barber, cosmetologist, massage therapist, nail technician, and practical nurse.

### 4. Enforcement – Other Restrictions

Violations of section I, subsection B, paragraph 1 of this Order shall be a Class 1 misdemeanor pursuant to § 44-146.17 of the *Code of Virginia*. Any law enforcement officer as defined in § 9.1-101 of the *Code of Virginia* including the Virginia Department of State Police may enforce these restrictions.

## C. REQUIREMENTS FOR ESSENTIAL RETAIL BUSINESSES

### 1. Essential Retail Businesses

Essential retail businesses as set out below may continue to remain open during their normal business hours.

- 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.

Essential Retail Businesses must comply with the Guidelines for All Business Sectors expressly incorporated by reference and linked [here](#). Employers are required to provide masks to employees. If any such business cannot adhere to these requirements, it must close.

### 2. Enforcement – Essential Retail

- a. Guidelines for All Business Sectors and the sector-specific guidelines appear [here](#).

- b. The Virginia Department of Health and the Virginia Alcoholic Beverage Control Authority shall have authority to enforce section I, subsection C 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*.
- c. In addition, any agency with regulatory authority over a business listed in section I, subsection C, including but not limited to the Virginia Department of Labor and Industry, pursuant to § 40.1-51.1 of the *Code of Virginia*, the Department of Professional and Occupational Regulation, pursuant to 18 Va. Admin. Code § 41-20-280, and the Virginia Department of Agriculture and Consumer Services, pursuant to § 3.2-5106 of the *Code of Virginia* or any other law applicable to these agencies, shall have authority to enforce section I, subsection C of this Order as to that business.

## **D. CONTINUED GUIDANCE AND DIRECTION**

### **1. 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.

### **2. Family Members**

“Family members” include blood relations, adopted, step, and foster relations, as well as all individuals residing in the same household or visiting such household pursuant to a child custody arrangement or order. Family members are not required to maintain physical distancing while in their homes.

### **3. Exceptions**

With the exception of section I, subsection B, paragraph 2, subparagraph a and section II, 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. The free exercise of religion;

- e. Law enforcement agencies; or
- f. The operation of government.

## **II. CONTINUED REQUIREMENT TO WEAR MASKS**

### **A. Masks – Indoors and Outdoors**

All individuals in the Commonwealth aged five and older should cover their mouth and nose with a mask **in accordance with CDC guidance linked [here](#)**. If there is a conflict between the sector-specific guidelines and this section, the sector-specific guidelines governs.

### **B. Masks Required – Employees**

All employees of all businesses listed in section I, subsections A and C **must** wear a mask while working at their place of employment **in accordance with CDC guidance linked [here](#)**. Exceptions noted in section II, subsection E do not apply.

### **C. Masks – Enforcement**

1. The Virginia Department of Health shall have authority to enforce section II, **subsection B** of this Order. 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*.
2. In addition, any agency with regulatory authority over a business listed in section I, including but not limited to the Virginia Department of Labor and Industry, pursuant to § 40.1-51.1 of the *Code of Virginia*, the Department of Professional and Occupational Regulation, pursuant to 18 Va. Admin. Code § 41-20-280, the Virginia Department of Agriculture and Consumer Services, pursuant to § 3.2-5106 of the *Code of Virginia* or any other law applicable to these agencies, shall have authority to enforce section II of this Order as to that business.
3. Medical-grade masks and personal protective equipment should be reserved for medical personnel. The use of cloth masks does not replace the need to maintain the required physical distancing, clean and disinfect frequently touched surfaces routinely in all public settings, stay home when sick, and practice frequent handwashing.

### **D. Masks –Public and Private K-12 Schools**

**All students, teachers, staff, and visitors must wear a mask over their nose and mouth while on school property subject to section II, subsection E.**

## **E. Masks – Exceptions**

### **1. Where required to wear a mask, the requirement does not apply to the following:**

- a. While eating or drinking;
- b. Individuals exercising or using exercise equipment;
- c. Any person who is playing a musical instrument when wearing a mask would inhibit the playing of the instrument (e.g., wind or brass instrument) so long as at least ten feet of physical distance can be maintained from other persons, whether the rehearsal or performance is indoors or outdoors;
- d. Any person who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the mask without assistance;
- e. Any person seeking to communicate with people who are deaf or hard of hearing and for which the mouth needs to be visible;
- f. When temporary removal of the mask is necessary to secure government or medical services;
- g. When necessary to participate in a religious ritual; and
- h. Persons with health conditions or disabilities that prohibit wearing a mask. Nothing in this Order shall require the use of a mask by any person for whom doing so would be contrary to his or her health or safety because of a medical condition. Adaptations and alternatives for individuals with health conditions or disabilities should be considered whenever possible to increase the feasibility of wearing a mask to reduce the risk of COVID-19 spreading if it is not possible to wear one.

2. Any person who declines to wear a mask 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.

## **F. Masks – Waiver**

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 Amended Executive Order 51 (2020) declaring a state of emergency in the Commonwealth. Amended Executive Order 51 (2020) remains so amended. This waiver is effective as of March 12, 2020 and will remain in effect until 11:59 p.m. on June 30, 2021, unless amended or rescinded by



further executive order.

### **III. CONSTRUCTION WITH REGULATIONS**

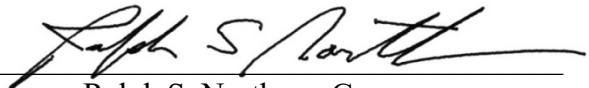
Where the Final Permanent Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus that Causes COVID-19 adopted by the Safety and Health Codes Board of the Virginia Department of Labor and Industry conflicts with requirements and guidelines applicable to businesses in this Order, this Order governs.

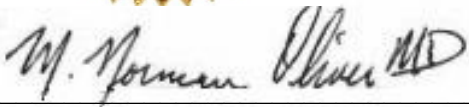
**Effective Date of this Executive Order**

This Order is in furtherance of Amended Executive Order 51 (2020). Further, this Order shall be effective **midnight on May 15, 2021**, and shall remain in full force and effect until amended or rescinded by further executive order.

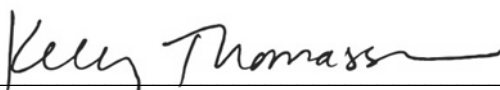
Given under my hand and under the Seal of the Commonwealth of Virginia and the Seal of the Office of the State Health Commissioner of the Commonwealth of Virginia, **this 14th day of May, 2021**.



  
Ralph S. Northam, Governor

  
M. Norman Oliver, MD, MA  
State Health Commissioner

Attest:

  
Kelly Thomasson, Secretary of the Commonwealth