

## DECLARATION OF EMERGENCY

### DIRECTIVE 024

**WHEREAS**, in late 2019, the United States Centers for Disease Control and Prevention began monitoring an outbreak of respiratory illness caused by a novel coronavirus first identified in Wuhan, Hubei Province, China; and

**WHEREAS**, on February 11, 2020, the International Committee on Taxonomy of Viruses named this novel coronavirus “severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);” and

**WHEREAS**, on February 11, 2020, the World Health Organization named the disease caused by SARS-CoV-2, “COVID-19;” and

**WHEREAS**, the World Health Organization advises that the novel coronavirus that causes COVID-19 virus is highly contagious, and spreads through respiratory transmission, and direct and indirect contact with infected persons and surfaces; and

**WHEREAS**, the World Health Organization advises that respiratory transmission occurs through both droplet and airborne transmission, where droplet transmission occurs when a person is within 6 feet of someone who has respiratory symptoms like coughing or sneezing, and airborne transmission may occur when aerosolized particles remain suspended in the air and is inhaled; and

**WHEREAS**, the World Health Organization advises that contact transmission occurs by direct contact with infected people or indirect contact with surfaces contaminated by the novel coronavirus; and

**WHEREAS**, some persons with COVID-19 may exhibit no symptoms but remain highly infectious; and

**WHEREAS**, on March 5, 2020, Clark County and Washoe County both reported the first known cases of COVID-19 in the State of Nevada; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

**WHEREAS**, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State’s response to the COVID-19 pandemic; and

**WHEREAS**, on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the “Stafford Act”); and

**WHEREAS**, on March 14, 2020, I formed a medical advisory team to provide medical guidance and scientifically based recommendations on measures Nevada could implement to better contain and mitigate the spread of COVID-19; and

**WHEREAS**, infectious disease and public health experts advised that minimizing interpersonal contact slows the rate at which the disease spreads, and is necessary to avoid overwhelming healthcare systems, commonly referred to as “flattening the curve”; and

**WHEREAS**, since the March 12, 2020 Declaration of Emergency, I have issued 23 Directives pursuant to that order to provide for the safety, wellbeing, and public health of Nevadans and the administration of the State of Nevada; and

**WHEREAS**, these Directives were promulgated to reduce interpersonal contact and promote social distancing to flatten the curve; and

**WHEREAS**, data showed that Nevada was one of the top five states in the United States for social distancing; and

**WHEREAS**, Nevada’s medical experts indicate that the rate at which COVID-19 is spreading in the State of Nevada has effectively slowed to a level that does not jeopardize the state’s healthcare system due, in part, to Nevadans following strict social distancing measures individually and pursuant to Directives I issued pursuant to the March 12, 2020, Declaration of Emergency; and

**WHEREAS**, although the danger to Nevadans from the COVID-19 disease has abated, the disease has not been eliminated and measures that protect safety, wellbeing, and public health of Nevadans must remain in effect; and

**WHEREAS**, on April 21, 2020, the National Governors Association issued guidance for a staged reopening that protects the public’s health while laying a strong foundation for long-term economic recovery; and

**WHEREAS**, on April 30, 2020, I introduced the *Nevada United: Roadmap to Recovery* plan that outlined a phased approach to reopening Nevada businesses and industry; and

**WHEREAS**, the *Nevada United: Roadmap to Recovery* plan set forth a collaborative partnership between state and local governments that included the formation of the Local Empowerment Advisory Panel (“LEAP”) to serve as a resource to local governments and local communities; and

**WHEREAS**, on May 9, 2020, the State of Nevada entered Phase One of the *Nevada United: Roadmap to Recovery* plan; and

**WHEREAS**, on May 29, 2020, the State of Nevada entered Phase Two of the *Nevada United: Roadmap to Recovery* plan; and

**WHEREAS**, prior to entering Phase Two, Nevada experienced a consistent and sustainable downward trajectory in the percentage of positive COVID-19 cases, a decrease in the trend of COVID-19 hospitalizations, and a decline in our cumulative test positivity rate from a maximum rate of 12.2% on April 24, 2020 to 6.3% on May 27, 2020 with a 33-day downward trend; and

**WHEREAS**, as of June 22, 2020, the seven-day average of daily new COVID-19 cases in the United States has increased over 30 percent versus one week prior; and

**WHEREAS**, the State of Nevada is experiencing an increase in both its cumulative test positivity rate and its seven-day moving average of daily new COVID-19 cases; and

**WHEREAS**, the State of Nevada is experiencing an increasing trend of hospitalizations for confirmed COVID-19 cases since May 31, 2020; and

**WHEREAS**, infection diseases scientists and experts advise that “masks indisputably protect individuals against airborne transmission of respiratory diseases;” and

**WHEREAS**, infection diseases scientists and experts advise that “universal masking at 80% adoption [ ] flattens the curve significantly more than maintaining a strict lock-down,” and “masking at only 50% adoption [ ] is not sufficient to prevent continued spread” of COVID-19; and

**WHEREAS**, the Governor’s COVID-19 Medical Advisory Team advises that “a mouth-and-nose lockdown is far more sustainable than a full-body lockdown;” and

**WHEREAS**, NRS 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

**WHEREAS**, NRS 414.070 outlines additional powers delegated to the Governor during the existence of a state of emergency, including without limitation, enforcing all laws and regulations relating to emergency management and assuming direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State; providing for and compelling the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons; and performing and exercising such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

**WHEREAS**, the Nevada Attorney General opined in Opinion Number 95-03 that in times of emergency when the Governor’s authority under Nevada Revised Statutes Chapter 414 is in effect, the powers of political subdivisions to control business activity is limited; and

**WHEREAS**, NRS 414.060(3)(f) provides that the administrative authority vested to the Governor in times of emergency may be delegated; and

**WHEREAS**, Article 5, Section 1 of the Nevada Constitution provides: “The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada;” and

**NOW THEREFORE**, by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020, Emergency Declaration,

IT IS HEREBY ORDERED THAT:

SECTION 1: To the extent this Directive conflicts with earlier Directives or regulations promulgated pursuant to the March 12, 2020 Declaration of Emergency, the provisions of this Directive shall prevail. Provisions of all other effective Directives not in conflict with this Directive shall remain in effect.

SECTION 2: Consistent with the *Nevada United: Roadmap to Recovery* plan for a federally supported, state managed, and locally executed reopening approach, county governments and local municipalities are hereby delegated the authority to impose additional COVID-19 related restrictions on businesses and public activities. Restrictions imposed by county government or local municipalities may exceed the standards imposed by Declaration of Emergency Directives or set forth under the LEAP guidelines, but in no case shall county-guidelines be more permissive than the provisions of this Directive.

SECTION 3: Businesses may adopt practices that exceed the standards imposed by Declaration of Emergency Directives, guidelines promulgated by the Nevada State Occupational Safety and Health Administration (NV OSHA) or LEAP guidelines, but in no case shall business practices be more permissive than the provisions of this Directive or those imposed by NV OSHA and the LEAP.

SECTION 4: For the purposes of this Directive, “face covering” is defined as covering that fully covers a person’s nose and mouth, including without limitation, cloth face masks, surgical masks, towels, scarves, and bandanas. This Directive shall not be construed to require the public to wear medical-grade masks, including masks rated N95, KN95, and their equivalent or better.

SECTION 5: Individuals not exempted by this Directive or guidance issued by the Nevada Health Response shall be required to cover their nose and mouth with a mask or face covering when in a public space, whether publicly owned or privately owned where the public has access by right or invitation, express or implied, whether by payment of money or not.

SECTION 6: Businesses operating during Phase Two of the *Nevada United: Roadmap to Recovery* plan shall ensure that all patrons, customers, patients, or clients utilize face coverings, subject to the guidelines that shall be promulgated pursuant to this Directive, including prohibiting persons without face coverings from entering the premises.

SECTION 7: The mandatory provisions of this Directive shall not apply to:

- (1) Children who are nine years of age, or younger. Children who are two to nine years of age are strongly encouraged to wear face coverings in public spaces.
- (2) Individuals experiencing homelessness. Such individuals are encouraged to take protective measures to the greatest extent practicable.
- (3) Individuals who cannot wear a face covering due to a medical condition or disability, or who are unable to remove a mask without assistance. Persons exempted under this provision should wear a non-restrictive alternative, such as a face shield. Persons exempted under this provision shall not be required to produce documentation verifying the condition.
- (4) Individuals for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- (5) Individuals who are obtaining a service involving the nose or face for which the temporary removal of the face covering is necessary to perform that service.
- (6) Individuals who are seated at a restaurant or other establishment that offers food or beverage services, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence.
- (7) Individuals who are engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling, or running, when alone or with household members, and when they are able to maintain a distance of at least six feet from others.
- (8) Individuals who are incarcerated. Prisons and jails, as part of their mitigation plans, will have specific guidance on the wearing of face coverings or masks for both inmates and staff.

SECTION 8: NV OSHA shall enforce all violations of its guidelines, protocols, and regulations promulgated pursuant to this Directive. State licensing boards are hereby directed to enforce all provisions of this Directive against licensees and establishments within their purview and impose disciplinary measures against licensees who violate this Directive.

SECTION 9: Any individual who does not comply with Section 5 of this Directive, after receiving notice from law enforcement, may be subject to criminal prosecution and civil penalties under NRS 199.280, NRS 202.450, and any other applicable statute, regulation, or ordinance. All law enforcement agencies in the State of Nevada are authorized to enforce this Directive. The Office of the Attorney General is given concurrent jurisdiction to prosecute violations of this Directive.

SECTION 10: Pursuant to NRS 414.060(3)(f), I hereby authorize all local, city, and county governments, and state agencies to enforce this Directive and regulations promulgated thereunder, including but not limited to, suspending licenses, revoking licenses, or issuing penalties for violating business, professional, liquor, tobacco, or gaming licenses issued by the local jurisdiction for actions that jeopardize the health, safety, or welfare of the public; conduct which may injuriously affect the public health, safety, or welfare; conduct that may be detrimental to the public peace, health, or morals; or any other applicable ordinance or requirement for such a license.

SECTION 11: The State of Nevada shall retain all authority vested in the Governor pursuant to NRS Chapter 414.

SECTION 12: This Directive is effective at 11:59 p.m. on Thursday, June 25, 2020 and shall remain in effect until terminated by a subsequent Directive promulgated pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 24<sup>th</sup> day of June, in the year two thousand twenty.

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Governor of the State of Nevada

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Secretary of State

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Deputy Secretary of State