COMMONWEALTH of VIRGINIA

Executive Department

ORDER OF THE GOVERNOR AND STATE HEALTH COMMISSIONER
DECLARATION OF PUBLIC HEALTH EMERGENCY

WHEREAS, the State Health Commissioner declared COVID-19 a disease of public health threat on February 7, 2020; and

WHEREAS, Virginia Governor Ralph S. Northam declared a state of emergency due to COVID-19 on March 12, 2020 in Executive Order No. 51; and

WHEREAS, COVID-19 spreads from person-to-person, transmitted via respiratory droplets, and can be spread from an infected person who does not have symptoms to another person; and

WHEREAS, no current vaccine or known treatment options exist at this time; and

WHEREAS, the Commonwealth of Virginia, seeks to contain, control, and prevent additional COVID-19 infections and unnecessary risk to citizens; and

WHEREAS, on March 17, 2020, Virginia Governor Ralph S. Northam announced new measures to combat COVID-19 and support impacted Virginians; and

WHEREAS, in an effort to increase social distancing to inhibit spread of the virus, Virginia Governor Ralph S. Northam included in that announcement that all restaurants, fitness centers, and theatres are mandated to significantly reduce seating capacity to 10 patrons, or close; while encouraged to continue carry-out and takeaway options; and

WHEREAS, the State Health Commissioner desires to protect the public health of all Virginians by increasing social distancing in restaurants as permitted by the Virginia Department of Health; and

WHEREAS, pursuant to § 35.1-14 of the *Code of Virginia*, the State Board of Health ("Board") is authorized to develop regulations for the safe operation of restaurants; and

WHEREAS, pursuant to §§ 32.1-13 and 35.1-12 of the *Code of Virginia*, the State Health Commissioner, acting for the Board when it is not in session pursuant to §§ 32.1-20 and 35.1-3 of the *Code of Virginia*, is vested with authority to make separate orders to meet any emergency not

provided for by general regulations, for the purpose of suppressing conditions dangerous to the public health and communicable, contagious, and infectious diseases.

WHEREAS, pursuant to § 35.1-10, the Commissioner may take whatever action he deems necessary, to include ordering immediate closure of a restaurant, to control the spread of a preventable disease.

NOW THEREFORE, the Governor and State Health Commissioner hereby issues this order declaring a public health emergency resulting from the spread of COVID-19 virus affecting the health and safety of Virginians, and restricts the number of patrons allowed in permitted restaurants to 10 patrons or less in order to inhibit spread of the virus. Observations of 10 or more patrons in a restaurant, fitness center, or theater may result in immediate operation permit suspension per the Food Regulations at 12VAC5-421-3770 (Summary Suspension of a Permit.) by a district health director as authorized by the State Health Commissioner. Additionally, violation of an emergency 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*, and a violation of an emergency order issued pursuant to § 35.1-12 of the *Code of Virginia* is punishable as a Class 3 misdemeanor pursuant to § 35.1-7 of the *Code of Virginia*. Additionally, the Commissioner may seek injunctive relief in circuit court for violation of this Order, pursuant to §§ 32.1-27 and 35.1-7 of the *Code of Virginia*.

WHEREAS, this Declaration shall be effective March 16, 2020, and shall remain in full force and effect until amended or rescinded.

Given under my hand and under the Seal of the Office of the State Health Commissioner of the Commonwealth of Virginia this 17th Day of March 2020.

Ralph S. Northam, Governor

M. Norman Oliver, MD, MA
State Health Commissioner