STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 70-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area, and the occupancy of premises therein, and to perform and exercise other functions, powers, and duties that are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, Executive Order 9-20 required all businesses and operations in West Virginia, except Essential Businesses and Operations as defined therein, to cease all activities within the state except for such minimum basic operations as are necessary to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or related functions, and the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences, and provided exceptions for businesses such as home-based businesses and certain small businesses while requiring proper social distancing and hygiene practices be maintained at such businesses; and

WHEREAS, since the issuance of Executive Order 9-20 and other executive orders ordering closed or otherwise limiting occupancy of certain establishments and facilities in this state, implementation of successful public health measures has resulted in revised projections of rates of infection and COVID-19 related deaths in West Virginia, as well as ever-strengthening supply chains for personal protective equipment and other medical equipment and supplies, resulting in greater preparedness and response capacity throughout the state; and

WHEREAS, on April 27, 2020, I, Governor Jim Justice, announced the state's reopening plan, West Virginia Strong: *The Comeback* (the "Comeback Plan"), to phase in the reopening of businesses in the state of West Virginia on a week by week basis to most effectively monitor and respond to the public health effects of this phased reopening, to be based upon certain metrics and conditions to safely reopen segments of West Virginia's economy and get our citizens back to work, while ensuring the health and protection of all West Virginians, and especially the state's significant elder and vulnerable population who are at most risk from the COVID-19 virus; and

WHEREAS, Executive Order 28-20 and Executive Order 30-20 allowed for the resumption of all medical procedures throughout the state while requiring that hospitals and ambulatory surgical centers around the state limit procedures to only more urgent procedures to ensure adequate response capacity and preserve necessary personal protective equipment and other resources at such facilities in the event of any surge of COVID-19; and

WHEREAS, under the Comeback Plan, the phased reopening of businesses and activities in West Virginia has allowed our public health experts to effectively monitor the numbers of cases and rate of spread of the virus within this State and across the nation, and to make recommendations based upon the most current data available; and

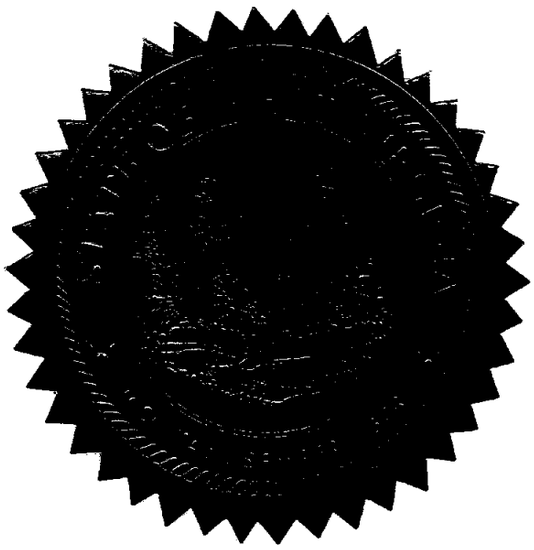
WHEREAS, in order to monitor COVID-19 case rates and to share the relative status of each county with our citizens throughout this State, West Virginia's public health experts have developed a County Alert System, which is a county-by-county color-coded system and map, which County Alert System and map may be found on the West Virginia Department of Health and Human Resources dashboard for COVID-19, at https://dhhr.wv.gov/COVID-19/Pages/default.aspx; and

WHEREAS, West Virginia's public health experts have advised that, in order to help mitigate the spread of COVID-19 in those counties that are trending toward or have community spread, decreasing the purely social gathering size limitation from 25 people to 10 people and prohibiting travel sports teams and leagues from coming together or playing in those counties that are in the "Red," "Orange," or "Gold" color categories on the County Alert System, as COVID-19 case rates may change each county's color category from time to time, are appropriate at this time; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article 5, Section 6 and Chapter 15, Article 5, Section 1 of the Code of West Virginia, hereby **DECLARE** and **ORDER**, effective at 12:01 AM on the Sixteenth day of September, 2020, for any county that is in any of the "Red," "Orange," or "Gold" color categories on the County Alert System, as COVID-19 case rates may change each county's color category from time to time:

1. That the social gathering limitation found in Section 1.g. (regulating outdoor activity gatherings) and in Section 5 (regulating social gatherings) of Executive Order 9-20, as amended, is hereby decreased from 25 people to 10 people in such counties.
2. That travel sports teams and travel leagues are prohibited from bringing players or spectators together in such counties and that no practices, games, or other competition shall be held in such counties. For the purposes of this Order, "travel sports teams" means teams that typically travel, often long distances and/or out of state, to games, competitions, and/or tournaments, and "travel leagues" means leagues that typically encourage or involve travel by teams and players, often long distance and/or out of state, to games, competitions, and/or tournaments. This prohibition is not meant to apply to teams and leagues that play in defined, relatively small geographic areas (e.g., within one county or a defined area comprised of just a few counties of this State).
3. That the provisions of this Order supersede any conflicting provisions of Executive Order 9-20, as amended, only with respect to the subject matter hereof and only with respect to any county that is in any of the "Red," "Orange," or "Gold" color categories on the County Alert System, as COVID-19 case rates may change each county's color category from time to time.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Fifteenth day of September, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-eighth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE