DECLARATION OF EMERGENCY DIRECTIVE 027

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 25 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, 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, on June 24, 2020, I signed Directive 024, requiring the use of face coverings in public spaces; and

WHEREAS, the State of Nevada has not yet achieved 80% compliance with face covering use requirements in all locations of business and in all public spaces; and

WHEREAS, as of July 2, 2020, the State of Nevada has one of the highest coronavirus transmission rates in the nation; and

WHEREAS, the State of Nevada is experiencing an increasing trend of hospitalizations since June 27, 2020 for confirmed COVID-19 cases and for positive test results since June 14, 2020; 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

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 Match 12, 2020 Declaration of Emergency, the provisions of this Directive shall prevail.
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 governments 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:	Section 17 (1) of Directive 018 is hereby amended to limit seating to parties not greater than 6.
SECTION 5:	Directive 021, Section 25 is hereby rescinded. Restaurants and food establishments, and bars, pubs, taverns, breweries, distilleries, and wineries licensed to serve food in a restaurant-type setting, whether or not in a restricted or nonrestricted gaming establishment, shall operate under the Phase One conditions set forth in Section 17 of Directive 018, as amended above, when located in a county with an Elevated Disease Transmission and according to the criteria published by the Department of Health and Human Services. Bar tops and bar areas in any establishment in a county with an Elevated Disease Transmission and according to the criteria published by the Department of Health and Human Services shall be closed to customers, but bar beverages may be served at tables for onsite consumption. Customers must only be served via table services and may not order from bar top areas.
SECTION 6:	Directive 021, Section 26 is hereby rescinded. Bars, pubs, taverns, breweries, distilleries, and wineries in a county with an Elevated Disease Transmission, and according to the criteria published by the Department of Health and Human Services, not licensed to serve food shall close and remain closed as required by Section 18 of Directive 18, expanded to include these same establishments located in restricted or nonrestricted gaming establishment, while offering curbside delivery and home delivery where permitted by local code or ordinance, as outlined in the same section of Directive 18. In nonrestricted gaming establishments, this Section shall not be interpreted to prohibit employees from making drinks behind the bar top or to prohibit cocktail servers from collecting and distributing such drinks to patrons seated at tables, machines, etc.
SECTION 7:	All establishments licensed to serve food are strongly encouraged to utilize outdoor seating to the maximum extent practicable.
SECTION 8:	Counties to include the consolidated municipality of Carson City, and political subdivisions, are strongly encouraged to adopt measures, including without limitation, code variances, modifications to sidewalk usage regulations, or closure of roadways to vehicular traffic, to expand outdoor dining opportunities to the greatest extent practicable.

SECTION 9:	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. Additional, more restrictive measures, adopted by any county or municipality may be implemented without additional approval by the State.
SECTION 10:	The Nevada Gaming Control Board is hereby authorized to investigate and to enforce this Directive as necessary, including, but without limitation, pursuing disciplinary action to limit, condition, suspend, and/ or revoke a gaming license, and/ or impose a monetary fine against any licensee, in accordance with the procedures of the Nevada Gaming Control Act and Nevada Gaming Commission Regulations, for any licensee's failure to follow this Directive.
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 Friday, July 10, 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.

DECLARATION OF EMERGENCY DIRECTIVE 027 ORDERS

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 10th day of July, in the year two thousand twenty.

Governor of the State of Nevada

Barbara K. Cegavske

Secretary of State

Deputy Secretary of State

Guidance on Directive 27: Elevated Disease Transmission Criteria 07-10-2020

Nevada Elevated Disease Transmission Tracker 07-10-2020

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