State of Nevada

Executive Department

DECLARATION OF EMERGENCY

DIRECTIVE 039

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, the World Health Organization advises that transmission occurs through both droplet and airborne transmission, where droplet transmission occurs when a person is in close proximity to someone who is infected with 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; 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 15, 2020, I directed that" ... [a]ll kindergarten through 12th grade schools will close to students effective March 16, 2020 ... " and " ... may reopen no earlier than April 6, 2020, and only upon the approval of the Chief Medical Officer of the State of Nevada after a review of the risk of transmissions within the geographic areas defined by the Chief Medical Officer"; and

WHEREAS, the Nevada Department of Education (NDE) released its Path Forward Plan - Response to COVID-19 on April 29, 2020, and announced the creation of the Re-Opening of Schools Committee (Committee) whose

members include State health officials, district superintendents and staff, charter school leaders, school safety experts, and social and emotional learning and school counseling experts who created the Nevada's Framework for a Safe, Efficient, and Equitable Return to School Buildings (Framework) and presented the Framework to the State Board of Education on June 4,2020; and

WHEREAS, Nevada's hospitalization rate for suspected and confirmed COVID-19 cases has trended downward since mid-January 2021; and

WHEREAS, on March 14, 2020, I formed a medical advisory team ("MAT") 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, in late February 2021, I requested the MAT to review recommendations related to sports and the relative risks of COVID-19 transmission posed by various sports; and

WHEREAS, the National Collegiate Athletic Association ("NCAA") has issued updated guidance regarding the relative risks of COVID-19 transmission posed by various sports, which include evaluating risk factors such as the degree of contact between players, whether the sport is indoors or outdoors, and the ability to wear a mask; *see* *Resocialization of Collegiate Sport: Developing Standards for Practice and Competition, Second Edition*; and

WHEREAS, on February 26, 2021, the MAT issued a new recommendation that the Governor reclassify sports as outlined by the NCAA guidance, that the Governor reclassify lacrosse as a "minimal-contact sport with intermediate risk of transmission," and that the Governor continue the current risk classification for all sports not identified in NCAA guidance; 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, NRS 414.060(3)(f) provides the administrative authority vested to the Governor in times of emergency may be delegated; 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: The limitations imposed by previous Directives or regulations are hereby superseded by the explicit provisions of this Directive. Any provisions not addressed by this Directive shall remain in force as provided by previous Directives or regulations promulgated pursuant to the March 12, 2020 Declaration of Emergency.

SECTION 2: Effective March 2, 2021, Section 5 of Directive 034 is amended to read as follows:

For the purposes of Directive 034 and Directive 038, sporting activities shall be categorized as follows:

(1) **Full-contact and close-contact sports:** Sports that require or are likely to have routine or sustained close proximity or physical contact between participants, and including without limitation, football, rugby, wrestling, boxing, ice hockey, group cheer, group dance, basketball, water polo, martial arts, and pair figure skating.

(2) **Minimal-contact sports:** Sports that are characterized by some close, sustained contact, but with protective equipment in place between participants, characterized by intermittent close contact, or characterized by its use of equipment that cannot be cleaned between participants, including without limitation, baseball, softball, soccer, volleyball, flag football, multi-person rowing, fencing, kickball, field hockey, and lacrosse.

(3) **Non-contact sports:** Sports that can be done individually, do not involve person-to-person contact, and do not routinely entail individuals interacting within six feet of one another, including without limitation, golf, tennis, running and cycling events, track and field, sideline/no contact cheer and dance, archery, shooting/clay target, swimming and diving, individual rowing, equestrian jumping or dressage, weightlifting, skiing, snowboarding, skateboarding, badminton, disc golf, bowling, individual figure skating, and gymnastics.

SECTION 3: This Directive shall become effective on March 2, 2021 and 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 or upon dissolution or lifting of the Declaration of Emergency.

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 2nd day of March, in the year two thousand twenty-one.

Governor of the State of Nevada

Barbara K. Cegavske

Secretary of State

Deputy Secretary of State