STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 38-20

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 ordered individuals to remain at their homes or residences, except when performing essential activities, and closed or otherwise limited the occupancy of businesses and entities that are not "Essential Businesses and Operations," as that term is defined in Executive Order 9-20; and

WHEREAS, Executive Orders 20-20, 21-20, 22-20, 24-20, and 25-20 ordered additional heightened measures to be taken in certain counties of this state, in order to protect the health, safety, and welfare of the public, to disrupt the spread of the virus, and to mitigate the impact of COVID-19 in such counties; and

WHEREAS, since the issuance of Executive Order 9-20, as well as Executive Orders 20-20, 21-20, 22-20, 24-20, and 25-20, the 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, Executive Order 29-20, Executive Order 33-20, and Executive Order 34-20 previously terminated the additional heightened measures ordered by Executive Order 20-20 with respect to Morgan County, Executive Order 21-20 with respect to Kanawha County, Executive Order 24-20 with respect to Cabell County, Ohio County, Wayne County, and Wood County, and Executive Order 25-20 with respect to Jackson County; and

WHEREAS, the state's public health experts have advised of a new methodology to determine whether any counties of this State should be subject to a new "high-alert" status and attendant response measures and that it is appropriate at this time to terminate the particular measures previously ordered by Executive Order 20-20 with respect to the remaining counties subject to that Order, being Berkeley County and Jefferson County, by Executive Order 21-20 with respect to the remaining counties subject to that Order, being Harrison County and Monongalia County, and by Executive Order 22-20 with respect to Marion County as the only county subject to that Order;

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 as of 12:00 AM, Eastern Standard Time, on the Nineteenth day of May, Two Thousand Twenty, that Executive Order 20-20, Executive Order 21-20, and Executive Order 22-20 are each terminated in their entirety and are without further effect.

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 Eighteenth day of May, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE