Commonwealth of Virginia
Office of the Governor

Executive Order

AMENDED SIXTY-EIGHT (2020)
AND
ORDER OF PUBLIC HEALTH EMERGENCY EIGHT

ADDITIONAL RESTRICTIONS ON THE EASTERN REGION
DUE TO NOVEL CORONAVIRUS (COVID-19)

Importance of the Issue

On June 30, 2020, Executive Order 67 and Order of Public Health Emergency Seven implemented Phase Three in the Commonwealth of Virginia. The Order continued to ease business, gathering, and traveling restrictions originally imposed by Executive Order 53 and Executive Order 55 issued in March of 2020. For many weeks, Virginia made progress in key measures of disease trends and healthcare capacity. In recent weeks, Virginia has experienced slight increases in case counts, percent test positivity, and hospitalizations. While, generally, our testing has increased, our supply of personal protective equipment is steady, and our hospital bed capacity remains stable, statewide hospitalizations and positive tests have slightly increased.

The slight increase in the statewide trends in percent test positivity and other health indicators is likely heavily driven by the significant recent positive case count increases in the Eastern Region. As of data available on July 27, 2020, test positivity rates in the Cities of Virginia Beach, Chesapeake, Norfolk, Suffolk, Portsmouth, and Hampton range from 9.9% to 18.6%. The Cities of Williamsburg, Newport News, Poquoson, James City County, and York County are experiencing increased test positivity of 8.7% compared to approximately 3.4% one month ago. The test positivity rate for the remainder of Virginia is trending at 6%.

Case counts in these jurisdictions are also steadily increasing. For example, between July 15, 2020 and July 25, 2020, the City of Virginia Beach reported an average of 103 new cases per day. On July 25, 2020, the City of Virginia Beach reported 329 new cases, more than triple the number reported the previous day. On July 25, 2020, the City of Chesapeake reported 126 new cases, the largest number it has ever reported for a single day. Since July 15, 2020, the City of Norfolk reported 919 new cases, averaging 90 cases per day. The Cities of Hampton and Portsmouth also show trends of increasing cases, with the City of Portsmouth reporting 60 new cases on July 25, 2020, its largest daily total to date.

In addition to test positivity and increasing case counts, hospitalizations in these jurisdictions have been steadily increasing for several weeks, including the number of confirmed intensive care unit hospitalizations. Similarly, the number of visits to emergency rooms for COVID-like illness in these jurisdictions has increased steadily for several weeks, a marker of increased disease activity and individuals seeking care.

Moreover, reports from health directors in these jurisdictions show disturbing trends in connection with the increasing number of cases. There is a significant shift to a younger demographic with a marked increase in 20-29-year olds testing positive for COVID-19. Case investigations of positive individuals in those jurisdictions consistently show a pattern of increased socialization with extended (non-household) family and friends, such as birthdays, backyard barbeques and other celebrations, and gatherings amongst friends. Some of these jurisdictions have also noted businesses hosting crowds around bar areas. All case investigations of positive individuals in those jurisdictions involved a lack of social distancing or wearing facial coverings.

Considering this data and the related trends, additional measures are necessary in the affected jurisdictions to protect public health and to reduce the transmission of COVID-19.

Directive

Therefore, by virtue of the authority vested in me by Article V of the Constitution of Virginia, by § 44-146.17 of the *Code of Virginia*, by any other applicable law, and in furtherance of Amended Executive Order 51 (2020), and by virtue of the authority vested in the State Health Commissioner pursuant to §§ 32.1-13, 32.1-20, and 35.1-10 of the *Code of Virginia*, the following is ordered in the Cities of Virginia Beach, Chesapeake, Norfolk, Suffolk, Portsmouth, Hampton, Williamsburg, Newport News, Poquoson, James City County, and York County (Eastern Region):

1. **Additional Restrictions on Restaurants, Dining Establishments, Food Courts, Breweries, Microbreweries, Distilleries, Wineries, and Tasting Rooms**

    a. No alcoholic beverage shall be sold, consumed, or possessed on premises after 10:00 p.m. in any restaurant, dining establishment, food court, brewery, microbrewery, distillery, winery, or tasting room. Alcoholic beverages **may continue to** be sold via delivery or take-out after 10 p.m., as permitted by existing regulations promulgated by the Virginia Alcoholic Beverage Control Authority.

    b. **Closure of all dining and congregation areas in restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, and tasting rooms between the hours of 12:00 a.m. and 5 a.m. Restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, and tasting rooms may continue to offer delivery and take-out services between the hours of 12:00 a.m. and 5 a.m.**

c. Indoor dining in restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, and tasting rooms may not exceed 50% of the lowest occupancy load on the certificate of occupancy.

d. All parties, whether seated together or across multiple tables, must be limited to 50 patrons or less.

Restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, and tasting rooms must otherwise comply with the requirements in Executive Order 67 and Order of Public Health Emergency Seven.

2. All Public And Private In-Person Gatherings

All public and private in-person gatherings of more than 50 individuals are prohibited. A "gathering" includes, but is not limited to, parties, celebrations, or other social events, whether they occur indoors or outdoors. The presence of more than 50 individuals performing functions of their employment is not a "gathering."

a. This restriction does not apply to the gathering of family members living in the same residence. "Family members" include blood relations, adopted, step, and foster relations, as well as all individuals residing in the same household or visiting such household pursuant to a child custody arrangement or order. Family members are not required to maintain physical distancing while in their homes.

b. **This restriction applies to gatherings, including Public Beaches, section A, paragraph 9(b), of Executive Order 67 and Order of Public Health Emergency Seven. This restriction does not alter or change the patron or attendee limits in Fitness and Exercise Facilities, section A, paragraph 5(c), Racetracks and Speedways, section A, paragraph 10(d), Entertainment and Amusement Businesses, section A, paragraph 11(a), and Recreational Sports, section A, paragraph 12(b), of Executive Order 67 and Order of Public Health Emergency Seven.**

Nothing in this Order is intended to place further restrictions on religious services. As permitted in Executive Order 67 and Order of Public Health Emergency Seven, individuals may continue to attend religious services subject to the following requirements:

c. Individuals attending religious services must be at least six feet apart when seated and must practice proper physical distancing at all times. Family members may be seated together.

d. Mark seating and common areas where attendees may congregate in six-foot increments to maintain physical distancing between persons who are not Family members.

e. Any items used to distribute food or beverages must be disposable, used only once and discarded.

f. A thorough cleaning and disinfection of frequently-contacted surfaces must be conducted prior to and following any religious service.

g. Post signage at the entrance that states that no one with a fever or symptoms of COVID-19 is permitted to participate in the religious service.

h. Post signage to provide public health reminders regarding physical distancing, gatherings, options for high risk individuals, and staying home if sick.

i. If religious services cannot be conducted in compliance with the above requirements, they must not be held in-person.

Further, any social gathering held in connection with a religious service is subject to the public and private in-person gatherings restriction of 50 individuals or less.

3. Enforcement

a. The Virginia Alcoholic Beverage Control Authority and Virginia Department of Health shall have authority to enforce paragraph 1 of this Order. Any willful violation or refusal, failure, or neglect to comply with this 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. The State Health Commissioner may also seek injunctive relief in circuit court for violation of this Order, pursuant to § 32.1-27 of the Code of Virginia.

b. Any agency with regulatory authority over a business listed in paragraph 1 may enforce this Order as to that business to the extent permitted by law.

c. Violations of paragraph 2 of this Order shall be a Class 1 misdemeanor pursuant to § 44-146.17 of the *Code of Virginia*.

4. Exceptions

Nothing in the Order shall limit: (i) the provision of health care or medical services; (ii) access to essential services for low-income residents, such as food banks; (iii) the operations of the media; (iv) law enforcement agencies; or (v) the operation of government.

5. Executive Order 67 and Order of Public Health Emergency Seven

Executive Order 67 and Order of Public Health Emergency Seven is still otherwise effective in the Eastern Region to the extent its provisions do not conflict with the provisions in this Order. Where any such conflict exists, this Order controls.

Effective Date of the Executive Order

This Order shall be effective 12:00 a.m., July 31, 2020. This Executive Order shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia and the Seal of the Office of the State Health Commissioner of the Commonwealth of Virginia, this **3rd day of August, 2020.**

Ralph S. Northam, Governor

M. Norman Oliver, MD, MA
State Health Commissioner

Attest:

Kelly Thomasson, Secretary of the Commonwealth