STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 56-20

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, Executive Order 32-20, Executive Order 36-20, Executive Order 37-20, Executive Order 39-20, Executive Order 40-20, Executive Order 41-20, Executive Order 42-20, Executive Order 43-20, Executive Order 44-20, Executive Order 45-20, Executive Order 49-20, and Executive Order 51-20 have been issued to transition the State to a safer-at-home policy and to allow certain types of businesses and activities to begin to resume or expand their operations, provided that certain safety measures are in place; and

WHEREAS, reopening additional segments of the state's economy in accordance with the Comeback Plan, utilizing a phased approach to reopen sectors of the economy week by week, while continuing to prioritize and provide for the health and protection of all West Virginians, and especially the state's significant elder and vulnerable population, is in the public interest; and

WHEREAS, West Virginia's public health experts have advised that allowing for the reopening and/or expansion of certain types of activities in this state, including allowing private and public pre-K through 12 schools to resume in-person instruction no sooner than September 8, 2020, allowing colleges and universities throughout the state to resume in-person instruction as of the effective date of this Order, and clarifying what live music events are prohibited at this time, is 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 as of 12:01 AM, Eastern Standard Time, on the Twenty-fifth day of July, Two Thousand Twenty, as follows:

1. The following provisions of Executive Order 9-20, as previously amended by Executive Orders 32-20, 36-20, 37-20, 39-20, 40-20, 41-20, 42-20, 43-40, 45-20, 49-20, and 51-20 are hereby further amended and supplemented as follows:
    a. Section 3, subsection (o), as amended, is hereby deleted in its entirety and replaced with the following to allow for in-person instruction to resume at educational institutions in this State:

    "o. **Educational institutions.**

        i. Public and private pre-K-12 schools may operate for purposes of facilitating or conducting distance learning, holding or participating in graduation ceremonies or other extracurricular activities, and/or performing other essential functions, provided that such educational institutions may also resume in-person instruction and other operations no sooner than September 8, 2020, provided that social distancing and other safety practices are maintained in accordance with any guidelines and/or regulations promulgated by any applicable governing body or bodies for such institution.

        ii. Colleges and universities throughout the state may resume in-person instruction and other operations in accordance with any guidelines and/or regulations promulgated by any applicable governing body or bodies for such institutions."

b. Section 4, as amended, is hereby deleted in its entirety and replaced with the following to clarify what live music events are prohibited at this time:

"4. **Prohibited activities.** Carnivals, fairs, concert and music halls, adult entertainment venues, and other similar businesses shall be closed, and live music performances shall be prohibited, except, however, that (i) one-person live music performances (including, by way of example only, a single musician or a single karaoke performer) may be allowed in outdoor or open-air settings so long as a physical barrier separates the performer from any patron-viewer and social distancing is maintained between any patron-viewers of such solo live music performance, and (ii) live music performances held as drive-in events may be allowed in outdoor or open-air settings so long as such events are held in accordance with applicable guidance relating to the safe operation of drive-in events, *Guidance for West Virginia Drive-In Theaters*, available at governor.wv.gov; and provided, that the following specific outdoor recreational businesses and activities may resume operations as follows:

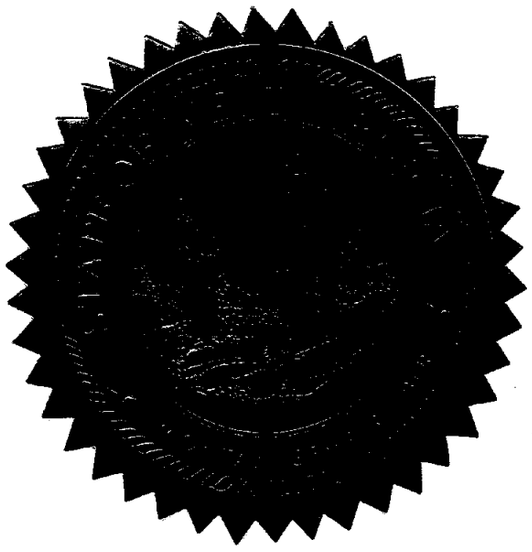
a. The Hatfield McCoy Trail System may reopen in accordance with the guidance, *A Guide to Safely Opening & Operating the Hatfield McCoy Trail System*, available at governor.wv.gov;

b. Outdoor recreation outfitters may reopen in accordance with the guidance, *A Guide to Safely Reopening Outdoor Recreation Outfitters*, available at governor.wv.gov;

c. Whitewater rafting businesses may resume operations in accordance with the guidance, *A Guide to Safely Reopening Whitewater Rafting*, available at governor.wv.gov; and

d. Ziplining businesses may resume operations in accordance with the guidance, *A Guide to Safely Reopening Zipline Outfitters*, available at governor.wv.gov."

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 Twenty-fourth day of July, 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