DECLARATION OF EMERGENCY DIRECTIVE 037

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(6) 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; and

WHEREAS, infectious disease and public health experts advised that wearing a mask or other face covering is an important and effective measure to reduce the spread of COVID-19; and

WHEREAS, infectious disease and public health experts advised that a major source of new infections are gatherings, bars, and restaurants, especially those where people remove their masks and interact with others who are not part of their household; and

WHEREAS, on November 24, 2020, I, Steve Sisolak, Governor of Nevada, issued Emergency Directive 035 in response to a dramatic surge in COVID-19 cases; and

WHEREAS, Emergency Directive 035 implemented a "Statewide Pause," which restricted the size of gatherings, reduced capacity for bars, restaurants, and other businesses, and urged Nevadans to stay home to the greatest extent possible, in order to stop the surge in COVID-19 cases; and

WHEREAS, in late December 2020, Nevada began distributing COVID-19 vaccines, but the supply of vaccines remains severely limited; and

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

WHEREAS, since mid-January 2021, the 14-day moving average test positivity rate has steadily declined, but is still well over the 5% threshold recommended by the WHO for reopening, and COVID-19 still poses a substantial threat to the public health; 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.

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 01:	The limitations imposed by previous Directives 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 02:	Section 7 of Directive 035 shall terminate at 11:59 p.m. on February 14, 2021. Effective 12:00 a.m. on February 15, 2021, houses of worship, including without limitation, churches, synagogues, mosques, and temples, may conduct in-person services in a manner so that occupancy shall not exceed 50% of the listed fire code capacity and all social distancing requirements are satisfied. This limitation shall not apply to drive-up se1vices pursuant to Section 10 of Directive 016, which imposes no limitations on number of participants. Houses of worship offering indoor, in-person services must follow the following provisions, which are consistent with this and other Directives on public gatherings: 1. Seating must be arranged to ensure a minimum of six feet of separation between congregants who do not reside in the same household. 2. Participants, including leaders and staff, must wear face coverings as required by Directive 024. 3. Houses of worship are encouraged to stagger services so that the entrance and egress of congregants for different services do not result in a gathering exceeding 50% of the listed fire code capacity set forth above, and to provide proper sanitation between services. 4. Houses of worship are strongly encouraged to offer online or drive-up services to the greatest extent possible. 5. Houses of worship offering indoor, in-person services are encouraged to follow the guidelines promulgated by the Nevada Department of Business and Industry (B&I) or its constituent agencies.
SECTION 03:	Section 8 of Directive 035 shall terminate at 11:59 p.m. on February 14, 2021. Effective 12:00 a.m. on February 15, 2021, except as otherwise provided by other Sections of this Directive, public gatherings are restricted to the lesser of 100 persons, or 35% of the listed fire code capacity of the area in which such gathering shall occur. Effective 12:00 a.m. on March 15, 2021, except as othe1wise provided by other Sections of this Directive, public gatherings are restricted to the lesser of 250 pers9ns, or 50% of the listed fire code capacity of the area in which such gathering shall occur. This provision shall apply to any area, whether publicly owned or privately owned where the public has access by right or invitation, express or implied, whether by payment of money or not, including without limitation, parks, basketball courts, volleyball courts, baseball fields, football fields, rivers, lakes, beaches, streets, convention centers, movie theaters, libraries, parking lots, and private clubs, except that this provision does not apply to houses of worship. This provision shall not be construed to apply to the gathering of persons working at or patronizing businesses operating pursuant to this Directive or providing emergency or medical services to the public.
	Section 9 of Directive 035 shall terminate at 11:59 p.m. on February 14, 2021. Effective 12:00 a.m. on February 15, 2021, except as otherwise provided by other Sections of this Directive, indoor private social gatherings are restricted to 10 or fewer persons.

SECTION 04:	Outdoor private social gatherings are restricted to 25 or fewer persons. This provision shall not be construed to apply to the gathering of persons living within the same household. Individuals not exempted by Directive 024 or guidance issued by the Nevada Health Response shall be required to cover their nose and mouth with a mask or face covering when attending private gatherings with people outside of their household, even when social distancing is being observed. This section does not apply to persons experiencing homelessness or to organizations providing shelter for persons experiencing homelessness. Such individuals and organizations are encouraged to take protective measures to the greatest extent practicable.

SECTION 05:	Section 10 of Directive 035 shall terminate at 11:59 p.m. on February 14, 2021. Effective 12:00 a.m. on February 15, 2021, arcades, racetracks, bowling alleys, miniature golf, pool halls, amusement and theme parks, and similar activities may allow access to the public so that occupancy shall not exceed 35% of the listed fire code capacity, and all social distancing requirements are satisfied. Effective 12:00 a.m. on March 15, 2021, arcades, racetracks, bowling alleys, miniature golf, pool halls, amusement and theme parks, and similar activities may allow access to the public so that occupancy shall not exceed 50% of the listed fire code capacity and all social distancing requirements are satisfied. High-touch surfaces should be avoided (remain closed if applicable / possible) and cleaned frequently. Food and drink should be contained to areas designated as restaurants / food courts and should adhere to requirements in place for those types of establishments.

SECTION 06:	Effective 12:00 a.m. on February 15, 2021, libraries, museums, art galleries, aquariums, and zoos may allow access to the public so that occupancy shall not exceed 50% of the listed fire code capacity, and all social distancing requirements are satisfied. All interactive and/ or hands-on exhibits must be closed. Food and drink should be contained to areas designated as restaurants / food courts and should adhere to requirements in place for those types of establishments.

SECTION 07:	Section 13 of Directive 035 shall terminate at 11:59 p.m. on February 14, 2021. Effective 12:00 a.m. on February 15, 2021, gaming properties shall limit occupancy in gaming areas to no more than 35% of the occupancy limit assigned to each gaming area of the property by local building and fire codes. Effective 12:00 a.m. on March 15, 2021, gaming properties shall limit occupancy in gaming areas to no more than 50% of the occupancy limit assigned to each gaming area of the property by local building and fire codes. Provisions of this and other Directives still in effect that apply to non-gaming businesses including but not limited to retail stores, restaurants and bars, non-retail venues, and pools and aquatic facilities, shall apply to those businesses, including those located on gaming properties.

	Subsection 1 of Section 31 of Emergency Directive 021, which limited body art and piercing facilities to 50% capacity, shall terminate at 11:59 p.m. on February 14, 2021. Effective 12:00 a.m. on February 15, 2021, body art and piercing facilities may reopen to the public, subject to tl1e following provisions: 1. Partitions or walls between each workstation are strongly encouraged. 2. Establishments with walls or partitions between workstations may utilize all stations, but under no circumstances may more than one customer or client be seated at any given station or chair. 3. Establishments without walls or partitions between stations must ensure that a minimum of six feet of separation between customers is maintained.

SECTION 08:	4. Establishments must not accept customers or clients on a walk-in basis, and artists must not serve or accept appointments for more than one customer at any given time. 5. Customers waiting for appointments must wait outside the facility and must practice social distancing by maintaining a minimum of six feet of separation between customers not residing in the same household. 6. Artists, employees, and customers must wear face coverings at all times. Body art and piercings that require mask removal, including without limitation, work around the mouth and nose are prohibited. 7. Access must be limited to customers only; persons accompanying customers must not be inside the facility while services are performed. 8. Artists and facilities operating pursuant to this section must abide by all sanitation and other guidelines promulgated by the Nevada Occupational Safety & Health Administration.
SECTION 09:	Retail stores shall continue to operate pursuant to Section 17 of Directive 021 and Section 11 of Directive 035, except that, effective 12:00 a.m. February 15, 2021, retail stores, including grocery stores, may offer limited self-service food and drinks with mitigation measures in place. Recommended mitigation measures include, but are not limited to, limiting number of individuals using food and drink stations at one time, using individual or disposable utensils and serving ware wherever possible, and providing hand sanitizer and recommending usage before touching any communal surface.
SECTION 10:	Section 14 of Directive 035 shall terminate at 11:59 p.m. on February 14, 2021. Effective February 15, 2021, a person wishing to host, organize, or conduct a gathering, event, performance, or other congregation of people in a space with fixed seating capacity of 2,500 or more, may submit a Large Gathering Venue COVID-19 Preparedness & Safety Plan ("Large Gathering Plan") to the applicable state and local authorities. Large gatherings are prohibited unless a Large Gathering Plan is approved by the applicable authorities. No large gatherings will be permitted to take place before March 1, 2021. For the purposes of this Directive, fixed seating capacity shall be defined as seats which are not portable or stackable, but which are secured to the ground or floor in some fashion, such as by bolts. Facilities with fixed seating without dividing arms shall calculate seating capacity based on occupant load, but in no instance shall such calculation be based on less than one person for each 18 inches (457 mm) of seating length. Upon approval of a Large Gathering Plan, venues with fixed seating capacity of 2,500 or greater may permit public attendance at live events subject to the following provisions: 1. Attendance by the public may not exceed 20% of fixed seating capacity. 2. All attendees must be assigned seats pursuant to the other provisions of this section. "Standing room only" and "general admission" attendance is prohibited. 3. Venues must clearly delineate discrete sections. To the greatest extent practicable, attendees in each section should be isolated from attendees in other sections by utilizing separate entrances, exits, and facilities, or staggering entrance and egress by section. 4. Event staff may not provide services to more than one section delineated pursuant to subsection 3, above. 5. Each section must be separated from adjacent sections by a minimum of 6 feet. 6. All social distancing requirements shall be maintained. This provision shall not apply to attendees within a single party. No more than six persons may be seated together in a single party. 7. Plans for events at facilities regulated by the Gaming Control Board ("GCB") must be submitted to and approved by the GCB prior to the event, pursuant to guidelines that shall be promulgated by the GCB. Prior to submission, plans must be reviewed by the local health authority for confirmation that it complies with all applicable health and safety standards and will not place an unacceptable burden on the local health infrastructure.

	8. Plans for events regulated by the Nevada State Athletic Commission ("NSAC") must be submitted to and approved by the NSAC prior to the event, pursuant to guidelines that shall be promulgated by the NSAC. Prior to submission, plans must be reviewed by the applicable local health authority for confirmation that it complies with all applicable health and safety standards and will not place an unacceptable burden on the local health infrastructure. 9. All other events at venues with fixed seating capacity of 2,500 or greater must be submitted to and approved by B&I prior to the event, pursuant to guidelines that shall be promulgated by B&I. Prior to submission to B&I, plans must be reviewed by the applicable local health authority for confirmation that it complies with all applicable health and safety standards and will not place an unacceptable burden on the local health infrastructure.

SECTION 11:	Effective February 15, 2021, a person wishing to host, organize, or conduct a large gathering in an area without fixed seating, including without limitation a tradeshow, conference, convention, professional seminar, or similar event in excess of 250 attendees may submit a Large Gathering Plan to the applicable state and local authorities. Large gatherings under this Section are prohibited unless a Large Gathering Plan is approved by the applicable authorities. No large gatherings under this Section will be permitted to take place before March 15, 2021. A large gathering under this Section is limited to a maximum of 1,000 attendees.

SECTION 12:	Effective March 15, 2021, venues with a listed fire code capacity of fewer than 2,500 may permit public attendance at live events subject to the following provisions: 1. Attendance by the public may not exceed the lesser of 250 attendees or 50% of that gathering space's listed fire code capacity. 2. Attendance by the public at live entertainment performances shall require all attendees to be seated. "Standing room only" attendance is prohibited. Venues hosting live entertainment performances shall maintain a minimum separation of at least 25 feet between the artists and the audience. This provision is applicable to performances subject to live entertainment taxes pursuant to NRS 368A and shall not extend to ambient music to create or enhance a mood or atmosphere that is incidental or ancillary to the activity or location. 3. For all other events other than live entertainment performances, seating is not required, but social distancing requirements must be maintained at all times. Individuals not exempted by Directive 024 or guidance issued by the Nevada Health Response shall be required to cover their nose and mouth with a mask or face covering when attending gatherings with people outside of their household, even when social distancing is being observed. This Section shall not be construed to apply to gatherings at houses of worship.

	Section 16 of Directive 35 shall terminate at 11 :59 p.m. on February 14, 2021. Effective February 15, 2021, restaurants, food establishments, breweries, distilleries, and wineries may utilize tables and serve patrons within the bar area. Establishments operating under this provision shall abide by the following provisions: 1. Effective February 15, 2021, the maximum occupancy of these establishments for indoor dining shall not exceed 35% of the listed fire code capacity at any given time. Effective March 15, 2021, the maximum occupancy of these establishments for indoor dining shall not exceed 50% of the listed fire code capacity at any given time. 2. There is no maximum occupancy for outdoor dining, however all other mitigation measures in this Section also apply to outdoor dining. 3. Tables, booths, or seats must be spaced, or customers seated a minimum of six feet apart from other customers not in the same party. Parties larger than six persons may not be seated together for onsite dining. 4. All standing and open congregation areas, including but not limited to dance

SECTION 13:	floors, that are not necessary for the preparation and service of food or beverages shall be closed. 5. Customers sitting at a table or booth must only be served via table service and may not order from the bar top area. 6. Customers may sit at and be served at bar tops only if bar top seating is limited such that barstools are spaced a minimum of six feet apart from other barstools of other customers not in the same party. Establishments are encouraged to limit bar top parties to no more than two persons per party. 7. Customers waiting to dine onsite must wait outside the establishment until they can be seated and must practice social distancing by maintaining a minimum of six feet of separation between customers not residing in the same household or in the same party. 8. Establishments shall require employees to wear face coverings and abide by all other face covering provisions of Directive 024. Patrons must wear face coverings at all times, except when actively eating or drinking. 9. Buffets shall remain closed until further notice. As used in this Directive, "indoor" means any enclosed space that has a listed fire code capacity, or is primarily enclosed, whether by rigid, temporary, or non-rigid wall and roof structures, such as fabric, vinyl, or other material, including but not limited to, tents with walls and temporary structures. The term does not apply to structures that consist solely of an overhead covering, such as canopies, awnings, and tents without walls.
SECTION 14:	Section 16 of Directive 35 shall terminate at 11 :59 p.m. on February 14, 2021. Effective February 15, 2021, gyms, fitness facilities, and fitness studios, including but not limited to dance and yoga studios, may allow access to the public so that occupancy shall not exceed 35% of the listed fire code capacity, and all social distancing requirements are satisfied. Effective March 15, 2021, these businesses may allow access to the public so that occupancy shall not exceed 50% of the listed fire code capacity. Gyms, fitness facilities, and fitness studios that provide services to ten or fewer people at a time may reopen only if they are able to provide services in a manner that does not violate social distancing protocols. All gyms, fitness facilities, and fitness studios must, without exception, abide by all protocols promulgated by B&I and are encouraged to follow guidance issued by the Nevada Health Response, including sanitation protocols. In addition to the protocols promulgated by B&I, all gyms, fitness facilities, and fitness studios must abide by the following provisions: 1. Employees, trainers, instructors, and patrons must wear face coverings at all times. 2. Regardless of listed fire code capacity, facilities must limit access to patrons to ensure that occupancy at any given time does become sufficiently dense so as to violate social distancing protocols. 3. Equipment must be regulated to ensure a minimum of six feet of social distancing between users, and equipment should be moved, designated inoperable, or turned off to ensure that social distancing standards are maintained. 4. Group fitness classes must be limited to ensure at least six feet of separation between participants. 5. Contact sports, including without limitation, martial arts, basketball, wrestling, and boxing may only be offered in a manner where participants do not physically contact other participants, or activities that require participants to perform within six feet of each other. 6. Locker rooms may be opened but must be limited to 50% of the listed fire code capacity. Single-stall showers may be utilized. Communal showers, steam rooms, saunas, portable saunas, vapor baths, salt therapy rooms, hot tubs, and other communal facilities, not to include restrooms, shall remain closed to the public. 7. Pools may open to patrons, but all pool usage is subject to the provisions of Section 29 of Directive 021. 8. Childcare facilities may operate in compliance with all applicable regulations and protocols promulgated by the Nevada Department of Health and Human Services, B&I, and any applicable local authorities.
	Section 19 of Directive 035 and Section 11 of Directive 034 shall terminate at 11:59 p.m. on March 14, 2021. Effective 12:00 a.m. on March 15, 2021, leagues, associations,

SECTION 15:	facilities and venues intending to host tournaments as allowed by Directive 034 must adopt a Preparedness and Safety Plan that conforms to the guidelines promulgated pursuant to Directive 034. Prior to a tournament, such plans must be approved by B&I or a constituent agency. Teams, coaches and athletes are responsible for abiding by the rules and requirements set forth in their applicable Preparedness and Safety Plan. Tournament hosts will be responsible for ensuring compliance with the applicable gathering and events guidelines as set forth in this Directive.

SECTION 16:	This Directive 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 or upon dissolution or lifting of the Declaration of Emergency.

Emergency Directive 037 Hereby 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 14th day of February, in the year two thousand twenty-one.

Governor of the State of Nevada

Barbara K. Cegavske

Secretary of State

Deputy Secretary of State

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