ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-586
July 9, 2020

STATE OF EMERGENCY

WHEREAS, the novel coronavirus (COVID-19) is a respiratory disease causing mild to very severe illness, including death, and many cases of COVID-19 have been confirmed in the Commonwealth; and

WHEREAS, dozens of states across the nation have begun to experience sharp increases in COVID-19 infection, and Kentucky has begun to report its highest numbers of new cases since the beginning of the pandemic; and

WHEREAS, Kentuckians have begun increasing their number of contacts as well as traveling outside the state to areas with higher infection rates and then returning to Kentucky; and

WHEREAS, the United States and Kentucky are experiencing an increase in COVID-19 infection rates among younger people, including children; and

Cases In Kentucky Are On The Rise

WHEREAS, Kentucky has 17,919 reported cases of COVID-19 and 608 Kentuckians have died from COVID-19, including 402 new cases and six deaths on July 8, 2020; and

WHEREAS, Kentucky reported its highest weekly total of COVID-19 cases for the week of June 29 through July 5, 2020, with 1,675 new cases; and

WHEREAS, COVID-19 is impacting Kentuckians of all ages, including younger Kentuckians. 510 Kentuckians ages 0-9, and 1,013 Kentuckians ages 10-19 have tested positive for COVID-19; and

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Cases In the United States Are On The Rise

WHEREAS, on July 8, 2020, America had more than 3,000,000 cases of COVID-19, and a one-day record 60,021 new cases were reported on July 7, 2020. More than 132,000 Americans have died from COVID-19; and

WHEREAS, hospitals in other states are experiencing increases in COVID-19 patients and hospital intensive care units are reaching capacity. In Arizona, more than ninety percent (90%) of its ICU beds were filled as reported on July 8, and Florida has at least 56 hospital intensive care units at capacity. In California, hospitalizations have increased fifty percent (50%) from two weeks ago. The Georgia Emergency Management and Homeland Security reported that only eighteen percent (18%) of critical care hospital beds remain available and only seventeen percent (17%) of inpatient beds are available, and in Savannah, Georgia, hospitalizations have nearly quadrupled. On July 8, 2020, Louisiana reported that ninety-five percent (95%) of its 1,891 new cases were from community spread; and

WHEREAS, in the State of Texas, 1,335 people have tested positive for COVID-19 from childcare facilities, consisting of 441 children and 894 staff members. In North Carolina, earlier this week nine children and two staff members at a Charlotte child care facility tested positive for COVID-19, according to the state's dashboard tracking COVID-19 "clusters"; and

Face Coverings Are Effective In Slowing The Spread Of COVID-19

WHEREAS, numerous recent medical studies have shown that the use of face coverings can decrease the spread of respiratory droplets from people; and

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WHEREAS, based on these studies, the wearing of face coverings has been found by both the Centers for Disease Control and Prevention and the Kentucky Department for Public Health to help prevent the further spread of COVID-19; and

WHEREAS, numerous federal leaders of both parties, including Vice President Mike Pence, Senator Mitch McConnell, and Surgeon General Jerome Adams, have also urged the American public to wear face coverings; and

Face Coverings Are Effective In Protecting The Economy

WHEREAS, an economic analysis by Goldman Sachs indicates that the national economy could experience an additional 5% drop in gross domestic product if face coverings are not mandated, which would amount to an economic loss for Kentucky of about $10 billion; and

WHEREAS, the Retail Industry Leaders Association, which represents 9 of the top 10 retailers in the nation, comprising more than 100,000 stores and millions of jobs, recently urged the governors of all states to mandate the wearing of face coverings when in public settings; and

WHEREAS, at the time of this Order, at least 22 states have followed the recommendations discussed above and required members of the general public to wear face coverings in various public settings, including the neighboring states of Illinois, Ohio, and West Virginia; and

WHEREAS, the Kentucky Constitution and Kentucky Revised Statutes, including, but not limited to, KRS Chapter 39A, empower me to exercise all powers necessary to promote and secure the safety and protection of the civilian population; and

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WHEREAS, under those powers, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth. The State of Emergency continues:

NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of authority vested in me pursuant to the Constitution of Kentucky and KRS Chapter 39A, do hereby Order and Direct the following:

1. For the purposes of this order, a "face covering" is a material that covers the nose and mouth and is secured to the head with ties, straps, or loops over the ears, or is wrapped around the lower face. It can be made of a variety of materials, including cotton, silk, or linen, and ideally has two or more layers. Face coverings may be factory-made, homemade, or improvised from household items such as scarfs, bandanas, and t-shirts. Guidance on how to make a face covering at home is available at: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html.

2. The provisions of this Order shall apply to members of the public in Kentucky. Existing sector specific requirements mandating face coverings for employees of entities in the Commonwealth remain in effect and are available online at: https://healthyatwork.ky.gov.

3. People in Kentucky must cover their nose and mouth with a face covering when they are in the following situations that represent a high risk of COVID-19 transmission:

    a. While inside, or waiting in line to enter, any: retail establishment; grocery store; pharmacy; hair salon/barbershop; nail salon/spa; tattoo parlor; child care facility; restaurant or bar (when not seated and consuming food or beverage); health care setting, or; any other indoor public space in which it is difficult to maintain a physical distance of at least six feet from all individuals who are not members of that person's household;

    b. While waiting for or riding on public transportation or paratransit, or while riding in a taxi, private car service, or ride-sharing vehicle,

or driving any of the above while customers are present; or

c. While in outdoor public spaces in which the person cannot maintain a physical distance of six feet from all individuals who are not members of the person's household and is not otherwise covered by previously issued guidance.

4. The following are exempt from wearing face coverings:

a. Children who are age 5 or younger;

b. Any person with disability, or a physical or mental impairment, that prevents them from safely wearing a face covering;

c. Any person who is hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential to communication;

d. Any person engaged in work that a state or federal regulator has concluded would make wearing a face covering a risk to their health or safety;

e. Any person who is seated and actively consuming food or beverage at a restaurant, bar, or other establishment that offers food or beverage service;

f. Any person who is obtaining a service that requires temporary removal of the face covering in order to perform the service;

g. Any person who is required to temporarily remove their face covering to confirm their identity or for security or screening purposes;

h. Any person who is giving a speech or broadcast to an audience and is able to maintain a safe distance of six feet from all individuals who are not members of the person's household;

i. Any person who is in a swimming pool, lake, or other body of water;

j. Any person who is actively engaged in exercise in a gym or indoor facility so long as six or more feet of separation between individuals exists, and where the gym or indoor facility engages in required cleaning;

k. Any person who is actively participating in athletic practice, scrimmage, or competition that is permitted under separate Healthy at Work requirements or guidance available online at: https://healthyatwork.ky.gov; or

l. Any person who is engaged in a lawful activity where federal or state law prohibits wearing a face covering.

5. Failure to follow the requirements provided in this Order and any other Executive Order and any Cabinet Order, including but not limited to the Orders of the Cabinet for Health and Family Services, is a violation of the Orders issued under KRS Chapter 39A and must result in a loss of access to a business's services.

6. The Secretary of the Cabinet for Health and Family Services, pursuant to KRS 194A.010, KRS 194A.025, KRS 211.025, KRS 214.020, KRS 39A.180, KRS 12.270(2), KRS 13A.190, and other applicable law, shall promulgate an emergency administrative regulation consistent with this Order.

7. All local, county, and city government offices and agencies are encouraged to adopt or incorporate the requirements provided in this Order.

8. Nothing in this Order should be interpreted to interfere with or infringe on the powers of the legislative and judicial branches, or other constitutional officers to perform their constitutional duties or exercise their authority. However, the legislative and judicial branches, and other constitutional officers, are encouraged to adopt or incorporate the requirements provided in this Order.

9. Failure to follow the requirements provided in this Order and any other Executive Order and any Cabinet Order is a violation of the Orders issued under KRS Chapter 39A and could subject a person or entity violating the Orders to penalties as authorized by law.

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10. This Order is effective at 5 p.m. on July 10, 2020, for a period of 30 days, and is subject to renewal.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State