DECLARATION OF EMERGENCY FOR DIRECTIVE 035

WHEREAS, in late 2019, the United States Centers for Disease Control and Prevention began monitoring an outbreak: of respiratory illness caused by a novel coronavirus first identified in Wuhan, Hubei Province, China; and

WHEREAS, on February 11, 2020, the International Committee on Taxonomy of Viruses named this novel coronavirus "severe acute respiratory syndrome coronavirus 2 (SARS-Co V-2);" and

WHEREAS, on February 11, 2020, the World Health Organization named the disease caused by SARS-CoV-2, "COVID-19:" and

WHEREAS, the World Health Organization advises that the novel coronavirus that causes COVID-19 is highly contagious, and spreads through respiratory transmission, and direct and indirect contact with infected persons and surfaces; and

WHEREAS, the World Health Organization advises that transmission occurs through both droplet and airborne transmission, where droplet transmission occurs when a person is in close proximity to someone who is infected with COVID-19; and

WHEREAS, the World Health Organization advises that contact transmission occurs by direct contact with infected people or indirect contact with surfaces contaminated by the novel coronavirus; and

WHEREAS, on March 5, 2020, Clark County and Washoe County both reported the first known cases of COVID-19 in the State of Nevada; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

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(b) 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, commonly referred to as "flattening the curve"; and

WHEREAS, since the March 12, 2020 Declaration of Emergency, I have issued multiple Directives pursuant to that order to provide for the safety, wellbeing, and public health of Nevadans and the administration of the State of Nevada; and

WHEREAS, these Directives were promulgated to reduce interpersonal contact and promote social distancing to flatten the curve; and

WHEREAS, Nevada's hospitalization rate for suspected and confirmed COVID-19 cases has trended upward since October 5, 2020; and

WHEREAS, the number of new COVID-19 cases per day has reached record levels in Nevada with nearly a quarter (24%) of all positive cases identified since the beginning of this emergency having occurred in November as of November 22, 2020; and

WHEREAS, COVID-19 is now the number two cause of death in Nevada, second only to heart disease; and

WHEREAS, the record-setting number of new COVID-19 cases and the continued upward trend threatens to overwhelm the healthcare system; and

WHEREAS, the continued upward trend in COVID-19 cases poses a substantial threat to the public health; 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, 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; and

WHEREAS, NRS 414.060(3)(f) provides the administrative authority vested to the Governor in times of emergency may be delegated; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides: "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada;" and

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 1:	The limitations imposed by previous Directives or regulations 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 2:	For the purposes of this Directive and enforcement thereof, a gathering shall be defined as ·an activity that draws persons to (1) the same space, (2) at substantially the same time, (3) for the same purpose, and (4) for substantially the same duration.
SECTION 3:	For the purposes of this Directive and enforcement thereof, a gathering space shall be defined as a discrete area with defined boundaries separate and apart from adjacent spaces. Such boundaries shall be characterized by rigid wall structures, separate ownership or property interests, separate ventilation systems, or sufficient distance between adjacent occupied spaces that precludes the intermingling of users in a manner that exceeds the gathering limits in this Directive. A unique indoor gathering space shall additionally be defined by its listed fire code capacity. Spaces lacking a unique maximum capacity may not be deemed a distinct gathering space.
SECTION 4:	The phrase "social distancing" references guidance promulgated by the United States Centers for Disease Control and Prevention, including without limitation, maintaining at least six feet of physical distancing from other individuals.
SECTION 5:	Capacity limitations at venues and events shall not include staff, workers, performers, broadcast personnel, or other personnel necessary to conduct business, perform services, or host events.

SECTION 6:	All restrictions imposed by this and any other Directive still in effect shall be deemed statewide baseline mitigation standards. The COVID-19 Mitigation and Management Task Force ("Mitigation Task Force") established by Directive 030 may continue to impose additional restrictions on counties with elevated COVID-19 risks pursuant to Directive 030.
SECTION 7:	Section 7 of Directive 033 is hereby terminated. Effective 12:01 am on November 24, 2020, houses of worship, including without limitation, churches, synagogues, mosques, and temples, may conduct indoor in-person services in a manner so that occupancy shall not exceed the lesser of 25% of the listed fire code capacity or 50 persons, and all social distancing requirements are satisfied. This limitation shall not apply to houses of worship offering drive-up services 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 the lesser of 50 persons or 25% of the listed fire code capacity, and to provide proper sanitation between services. 4. Houses of worship are strongly encouraged to offer online and 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 or its constituent agencies. Houses of worship with a listed fire code capacity of fewer than 200 persons may conduct indoor services for up to 50 persons if they are able to do so in a manner consistent with social distancing guidelines promulgated by the Nevada Department of Business and Industry, but in no instance may houses of worship exceed their listed fire code capacity.
SECTION 8:	Section 9 of Directive 033, is hereby terminated. Effective 12:01 a.m. on November 24, 2020 unless otherwise provided by other Sections of this Directive, public gatherings are restricted to the lesser of 50 persons, or 25% of the listed fire code capacity of the area in which such gathering shall occur. This restriction shall not apply to any area with a listed fire code capacity of less than 200 persons, which may allow up to 50 persons to gather, if it is done in a manner consistent with social distancing guidelines promulgated by the Nevada Department of Business and Industry, but in no instance may the number of attendees exceed the area's listed fire code capacity. 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, libraries, parking lots, and private clubs. 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:	Effective 12:01 a.m. on November 24, unless otherwise provided by other Sections of this Directive, private residential gatherings are restricted to 10 or fewer persons from no more than 2 households, whether indoors or outdoors. 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 residential 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.

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SECTION 10:	Section 10 of Directive 033 is hereby terminated. Effective 12:01 a.m. on November 24, 2020, non-retail indoor and outdoor venues, including without limitation, bowling alleys, arcades, miniature golf facilities, amusement parks, and theme parks may allow access to the public so that occupancy shall not exceed 25% of the listed fire code capacity, and all social distancing requirements are satisfied. Businesses operating pursuant to this Section shall limit food and beverage sales to prepackaged products only. Businesses operating pursuant to this Section with a listed fire code capacity of fewer than 200 persons may allow access to up to 50 persons if they are able to do so in a manner consistent with social distancing guidelines promulgated by the Nevada Department of Business and Industry or its constituent agencies, but in no instance may they exceed their listed fire code capacity.
SECTION 11:	Retail and grocery stores with over 50,000 square feet in retail floor area that is accessible to the public shall, during business hours, station employee(s) at all public entrances to monitor and manage capacity. These retailers are encouraged to conduct individual health screenings, including temperature checks, of customers before entry and shall, at a minimum, have health screening signage posted at all public entrances.
SECTION 12:	All businesses and venues subject to capacity limitations shall post signs at public entrances identifying their COVID-19-adjusted capacity based on the occupancy limitations imposed by this and other Directives. These signs shall conform to guidelines which shall be promulgated by the Nevada Department of Business and Industry or its constituent agencies.
SECTION 13:	Gaming properties shall limit occupancy in gaming areas to no more than 25% 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.
SECTION 14:	Section 11 of Directive 033 is hereby terminated. Effective 12:01 a.m. on November 24, 2020, musical performances, live entertainment, concerts, competitions, sporting events, and any events with live performances may permit public attendance subject to the provisions of this Directive. 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 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. Public attendance may be allowed, subject to the following provisions: 1. Attendance by the public may not exceed the lesser of 50 attendees or 25% 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.
SECTION 15:	Section 13 of Directive 033 is hereby terminated. Effective 12:01 a.m. on November 24, 2020, conventions, trade shows, conferences, professional or educational seminars, business meetings or corporate retreats, and other similar event activities are permitted, subject to the limitations of this Section. Events pursuant to this Section are limited to the lesser of 50 attendees or 25% of that gathering space's listed fire code capacity.
	Section 12 of Directive 33 is hereby terminated. Effective 12:01 a.m. on November

SECTION 16:	Section 12 of Directive 33 is hereby terminated. Effective 12:01 a.m. on November 24, 2020, 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. Reservations are required for all dining, whether indoors or outdoors, except for in-person dining at limited service restaurants and other establishments under this provision that do not offer table service, including but not limited to, food courts, fast food restaurants, or fast casual restaurants. 2. The maximum occupancy of these establishments shall not exceed 25% of the listed fire code capacity at any given time. 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 four persons may not be seated together for onsite dining. 4. All standing and open congregation areas that are not necessary for the preparation and service of food or beverages shall be closed, including but not limited to billiards, card playing, pinball games, arcade games, darts, dancing, and standing. 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, cafeterias, and self-serve dining facilities shall remain closed until further notice.
SECTION 17:	Section 15 of Directive 033 is hereby terminated. Effective 12:01 a.m. on November 24, 2020, museums, art galleries, zoos, and aquariums operating pursuant to this Section shall be subjects to the limitations provided in Section 10 of this Directive. Interactive exhibits which encourage touching must remain closed and inaccessible to the public.
SECTION 18:	Section 28 of Directive 021 is hereby terminated. Effective 12:01 a.m. on November 24, 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 25% of the listed fire code capacity, and all social distancing requirements are satisfied. 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. Establishments providing services to more than ten patrons at a time shall limit customer access so as not to exceed a maximum occupancy of 25% based on listed fire code capacity. All gyms, fitness facilities, and fitness studios must, without exception, abide by all protocols promulgated by the Nevada Department of Business and Industry and are encouraged to follow guidance issued by the Nevada Health Response, including sanitation protocols. In addition to the protocols promulgated by the Nevada Department of Business and Industry, 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 ten or fewer patrons for any activity

	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, 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. Child care facilities may operate in compliance with all applicable regulations and protocols promulgated by the Nevada Department of Health and Human Services, the Nevada Department of Business and Industry, and any applicable local authorities.
SECTION 19:	Section 11 of Directive 034 is hereby amended to strike the provision relating to tournaments. Effective 12:01 a.m. on November 24, 2020, tournaments are prohibited. For the purposes of this provision, a tournament is defined as a series of games or contests that make up a single unit of competition, playoffs, or an invitational event.
SECTION 20:	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.

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 23rd day of November, in the year two thousand twenty.

Governor of the State of Nevada

Barbara K. Cegavske

Secretary of State

Deputy Secretary of State

Executive

Governor

Lt. Governor

Secretary of State

Attorney General

State Treasurer

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