STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 65-20

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, the phased reopening of businesses and activities in West Virginia has allowed our public health experts to effectively monitor the numbers of cases and rate of spread of the virus within this State and across the nation, and to make recommendations based upon the most current data available; and

WHEREAS, Executive Order 52-20 prohibited the consumption of food or drink at bars in Monongalia County, and limited the occupancy by the general public at bars in Monongalia County for purposes other than picking up food and/or drink from such establishments to be taken away, for a period of ten days, and Executive Orders 55-20, 58-20, 60-20, and 62-20 extended the prohibition and limitation for additional periods, the last of which, Executive Order 62-20, expired at 12:01 AM on the Thirty-first day of August, 2020; and

WHEREAS, upon the expiration of the prohibitions and limitations of Executive Order 62-20 and the reopening of bars in Monongalia County, there has appeared to be little to no social distancing in line for or within bars that have reopened, little to no wearing of face coverings in line for or within bars that have reopened, and little to no acknowledgment, by many patrons or establishments that have reopened, of the threat COVID-19 poses to our communities and the health and safety precautions that are necessary to safely bring West Virginians together during this time; and

WHEREAS, West Virginia's public health experts have advised that, due to the current number and demographics of positive cases of COVID-19 in Monongalia County, and due to the apparent disregard for the health and safety protocols put in place to allow for the safe reopening of bars in Monongalia County, it is appropriate at this time to re-institute the prohibition against the consumption of food or drink at bars and limitation of the occupancy by the general public at bars in Monongalia County, for purposes other than picking up food and/or drink from such establishments to be taken away, and to maintain the expanded available seating in bar areas of restaurants, hotels, and similar facilities in Monongalia County; 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 at 4:00 PM on this Second day of September, 2020, as follows:

1. That all bars in Monongalia County shall not allow on-premises consumption of food or drink or occupancy by the general public for purposes other than picking up food and/or drink from such establishment to be taken away.
2. That tables and seats at bar tops within "bar areas" of restaurants, hotels, and other similar facilities may be used for general seating for dining, subject to the same limitations as are in place for restaurants, including without limitation the requirement to maintain adequate social distancing.
3. That the provisions of this Order supersede any conflicting provisions of Section 3.c. of Executive Order 9-20, as amended, only with respect to the operation of bars and bar areas of establishments in Monongalia County.

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 Second day of September, 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