Commonwealth of Virginia
Office of the Governor

Executive Order

SECOND AMENDED NUMBER SIXTY-SEVEN (2020)
AND
ORDER OF PUBLIC HEALTH EMERGENCY SEVEN

PHASE THREE FURTHER EASING OF CERTAIN TEMPORARY RESTRICTIONS DUE TO NOVEL CORONAVIRUS (COVID-19)

Importance of the Issue

On June 2, 2020, Executive Order 65 and Order of Public Health Emergency Six implemented Phase Two, continuing to ease business, gathering, and traveling restrictions originally imposed by Executive Order 53 and Executive Order 55 issued in March of 2020. Executive Order 67 and Order of Public Health Emergency Seven issued on June 30, 2020 moved the Commonwealth into Phase Three. Subsequently, the public health metrics showed positive trends for the majority of the Commonwealth. Concerning trends in the cities of Virginia Beach, Chesapeake, Norfolk, Suffolk, Portsmouth, Hampton, Williamsburg, Newport News, Poquoson, James City County, and York County (Eastern Region) necessitated additional business and gathering restrictions as set out in Amended Executive Order 68 and Order of Public Health Emergency Eight, which was issued on August 3, 2020. Virginia continues to make progress. And as we continue to learn more about the COVID-19 virus, it is appropriate to modify certain targeted Phase Three business restrictions.

Directive

Therefore, by virtue of the authority vested in me by Article V of the Constitution of Virginia, by § 44-146.17 of the *Code of Virginia*, by any other applicable law, and in furtherance of Amended Executive Order 51 (2020), and by virtue of the authority vested in the State Health Commissioner pursuant to §§ 32.1-13, 32.1-20, and 35.1-10 of the *Code of Virginia*, the following is ordered:

A. EASING OF BUSINESS RESTRICTIONS

1. All Businesses

Any businesses, not listed in this section, should adhere to the Guidelines for All Business Sectors expressly incorporated by reference herein *as best practices*. This guidance is located here.

2. Restaurants, Dining Establishments, Food Courts, Breweries, Microbreweries, Distilleries, Wineries, and Tasting Rooms

Restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, and tasting rooms may continue to operate delivery, take-out, and indoor and outdoor service, provided such businesses comply with the Guidelines for All Business Sectors, and sector-specific guidance for restaurant and beverage services incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

a. All parties must be separated by at least six feet, including in the bar area. Tables at which dining parties are seated must be positioned six feet apart from other tables. If tables are not movable, parties must be seated at least six feet apart, including in the bar area.

b. Customers may be provided with self-service options. Facilities must provide hand sanitizer at food lines and require the use of barriers (e.g., gloves or deli paper) when employees or patrons touch common utensils. Food lines must be monitored by trained staff at all times of operation, and serving utensils must be changed hourly.

c. Employees working in customer-facing areas must wear face coverings over their nose and mouth at all times.

d. Routine cleaning and disinfection of frequently-contacted surfaces must be conducted every 60 minutes during operation. Tabletops must be cleaned in between patrons.

e. Bar seats and congregating areas of restaurants must be closed to patrons except for through-traffic. Non-bar seating in the bar area (i.e., tables or counter seats that do not line up to a bar or food service area) may be used for customer seating as long as a minimum of six feet is provided between parties at tables.

f. If any such business cannot adhere to these requirements, it must close.

3. Farmers Markets

Farmers markets may continue to operate, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for farmers markets incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

a. Employees and patrons must maintain at least six feet of physical distancing between individuals who are not Family members, as defined below, at all times. Configure operations to avoid congestion or congregation points.

b. Employees and vendors in customer-facing indoor areas must wear face coverings over their nose and mouth at all times. If the market is outdoors and physical distancing can be maintained, then face coverings are not required.

c. Routine cleaning and disinfection of frequently-contacted surfaces must be conducted during operation.

d. Farmers markets must promote frequent and thorough hand washing, including by providing employees, customers, visitors, the general public, and other persons entering into the place of employment with a place to wash their hands. If soap and running water are not immediately available, provide hand sanitizers.

e. If any such business cannot adhere to these requirements, it must close.

4. Brick and Mortar Retail Businesses Not Listed In Section C, Paragraph 1 (Non-Essential Retail)

Any brick and mortar retail business not listed in section C, paragraph 1 below may continue to operate, provided such business complies with the Guidelines for All Business Sectors and the sector-specific guidance for brick and mortar retail expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

a. Employees and patrons must maintain at least six feet of physical distancing between individuals who are not Family members at all times.

b. Employees working in customer-facing areas must wear face coverings over their nose and mouth at all times.

c. If any such business cannot adhere to these requirements, it must close.

5. Fitness and Exercise Facilities

Fitness centers, gymnasiums, recreation centers, sports facilities, and exercise facilities may continue to operate indoor and outdoor activities, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for fitness and exercise facilities expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

a. Patrons, members, and guests who are not Family members must remain at least ten feet apart during all activities except where necessary for the physical safety of an individual.

b. Instructors and all participants of group exercise and fitness classes who are not Family members must maintain at least ten feet of physical distancing between each other at all times, with the exception of swimming lessons, where parents or guardians may support a participant during class, and instructors may have contact with swimmers when necessary.

c. Occupancy must be limited to no more than 75% of the lowest occupancy load on the certificate of occupancy.

d. Hot tubs, spas, splash pads, spray pools, and interactive play features, except water slides, must be closed.

e. Outdoor and indoor swimming pools may be open, provided occupancy is limited to no more than 75% of the lowest occupancy load on the certificate of occupancy and all swimmers maintain at least ten feet of physical distance from others who are not Family members.

f. Employees working in customer-facing areas must wear face coverings over their nose and mouth at all times. Lifeguards responding to distressed swimmers are exempt from this requirement.

g. Employers must ensure cleaning and disinfection of shared exercise equipment after each use.

h. Businesses must promote frequent and thorough hand washing, including by providing employees, customers, visitors, the general public, and other persons entering into the place of employment with a place to wash their hands. If soap and running water are not immediately available, provide hand sanitizers.

i. If any such business cannot adhere to these requirements, it must close.

6. Personal Care and Personal Grooming Services

Beauty salons, barbershops, spas, massage centers, tanning salons, tattoo shops, and any other location where personal care or personal grooming services are performed may continue to operate, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for personal care and personal grooming services expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

a. Service providers must maintain at least six feet of physical distancing between work stations.

b. Service providers and employees working in customer-facing areas must wear face coverings over their nose and mouth at all times.

c. Provide face coverings for clients or ask that clients bring a face covering with them, which they must wear during the service. Limit services to only those that can be completed without clients removing their face covering.

d. Routine cleaning and disinfection of frequently-contacted surfaces must be conducted every 60 minutes of operation. All personal care and personal grooming tools should be cleaned and disinfected after each use. If that is not possible, such items must be discarded.

e. If any such business cannot adhere to these requirements, it must close.

7. Campgrounds

Privately-owned campgrounds as defined in § 35.1-1 of the *Code of Virginia* may continue to operate, provided they comply with the Guidelines for All Business Sectors and the sector-specific guidelines for campgrounds, which are expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

a. Employees working in public-facing areas must wear face coverings over their nose and mouth at all times.

b. Businesses must promote frequent and thorough hand washing, including by providing employees, customers, visitors, the general public, and other persons entering into the place of employment with a place to wash their hands. If soap and running water are not immediately available, provide hand sanitizers.

c. If any such business cannot adhere to these requirements, it must close.

8. Indoor Shooting Ranges

Indoor shooting ranges may continue to operate, provided they comply with the following requirements:

a. Employees and patrons must maintain at least six feet of physical distancing between individuals who are not Family members at all times.

b. Employees working in customer-facing areas are required to wear face coverings over their nose and mouth at all times.

c. Perform thorough cleaning and disinfection of frequently-contacted surfaces every 60 minutes of operation, while disinfecting all equipment between each customer use and prohibiting the use of equipment that cannot be thoroughly disinfected.

d. If any such indoor shooting range cannot adhere to these requirements, it must close.

9. Public Beaches

All public beaches as defined in § 10.1-705 of the *Code of Virginia* may remain open to individual and family recreational activity. All such public beaches, must comply with the requirements below.

a. Require beachgoers to practice physical distancing of at least six feet between each person unless they are with Family members.

b. Prohibit gatherings of more than 250 people.

c. Implement and adhere to a cleaning schedule for all high-touch surfaces made of plastic or metal such as benches and railings that includes cleaning at least every two hours between the hours of 9 a.m. and 6 p.m.

d. Establish, train, and deploy a team to educate and promote compliance with beach rules and refer cases of noncompliance to public safety personnel, if appropriate.

e. Establish procedures for temporary beach closure or access limitations in the event of overcrowding.

f. Ensure adequate personal protective equipment for all lifeguards.

g. Perform a disinfectant-level cleaning of all public restrooms every two hours with an EPA-approved disinfectant by staff or volunteers trained to follow Centers for Disease Control and Prevention (CDC) guidance on cleaning and disinfecting.

h. For chair and umbrella rental companies, require vendors to set up chairs and umbrellas for customers, maintaining at least six feet of distance between

groups, and to clean equipment between rentals following Environmental Protection Agency and CDC guidelines on cleaning and disinfecting.

i. Post signage at all public access points to the beaches and other "cluster prone" areas providing health reminders regarding physical distancing, gathering prohibitions, options for high risk individuals, and staying home if sick. Messaging must be specific to location.

j. Locality shall provide daily metrics to its local health department to include beach closures, complaint incidents, police reports of violence related to enforcement, and number of reports of noncompliance to be submitted each Monday.

k. All employees and contract workers must wear a cloth face covering when not able to practice physical distancing following CDC Use of Face Cloth Coverings guidance.

l. Employees and contract workers must have access to soap and water or hand sanitizer containing at least 60% alcohol, and locality should provide best hygiene practices to employees on a regular basis, including washing hands often with soap and water for at least 20 seconds and practicing respiratory etiquette protocols.

m. Locality shall require all employees and contract workers to take their temperature before reporting to work and direct such employees not to report to work if they have a fever of over 100.4 degrees, have experienced chills, or have been feverish in the last 72 hours.

n. Follow enhanced workplace safety best practices outlined in the Guidelines for All Business Sectors.

10. Racetracks and Speedways

Outdoor racetracks may remain open for racing events, provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines for racetracks expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

a. The event must be held at locations with the ability to restrict access (i.e., barriers and gating).

b. All individuals must maintain at least six feet of physical distancing between themselves and other participants who are not Family members.

c. Food services must adhere to the sector-specific guidance for restaurant and beverage services and camping areas must adhere to the sector-specific guidance for campgrounds.

d. The total number of attendees (including both participants and spectators) cannot exceed the lesser of 50% of the lowest occupancy load on the certificate of occupancy, if applicable, or 1000 persons.

11. Entertainment and Amusement Businesses

Performing arts venues, concert venues, sports venues, movie theaters, museums, aquariums, zoos, fairs, carnivals, amusement parks, public and private social clubs, botanical gardens, entertainment centers, historic horse racing facilities, bowling alleys, skating rinks, arcades, trampoline parks, arts and craft facilities, escape rooms, and other places of indoor public amusement may open provided such businesses comply with the Guidelines for All Business Sectors and the sector-specific guidelines, which are expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

a. The total number of attendees (including both participants and spectators) cannot exceed the lesser of 50% of the lowest occupancy load on the certificate of occupancy, if applicable, or 1000 persons.

b. All private bookings must comply with section B, paragraph 1.

c. Install visible markers for queue lines that separate people by six feet of physical distance.

d. Create a guest flow plan of modified queue lines into and within the facility. Determine areas likely to become bottlenecks or pinch points and adjust guest flow accordingly.

e. Ten feet of physical distancing is required between parties at all establishments with physical activity, singing, or cheering; six feet of physical distancing is required in other venues.

f. If interactive exhibits are in service, post signage to discourage congregating and encourage the use of hand sanitizer. Provide hand sanitizer stations around any interactive exhibits. Discontinue any interactive exhibits that pose a risk for children to place items in their mouths.

g. Practice routine cleaning and disinfection of high contact areas and hard surfaces, including check out stations and payment pads, store entrance push/pull pads, door knobs/handles, dining tables/chairs, light switches, handrails, restrooms, guest lockers, floors, and equipment.

h. Where possible, install plexiglass barriers in front of commonly used point-of-sale or guest service stations.

i. Employees working in customer-facing areas are required to wear face coverings over their nose and mouth at all times.

j. Businesses must promote frequent and thorough hand washing, including by providing employees, customers, visitors, the general public, and other persons to the entering into place of employment with a place to wash their hands. If soap and running water are not immediately available, provide hand sanitizers.

k. If any such business cannot adhere to these requirements, it must close.

12. Recreational Sports

Indoor and outdoor recreational sports activities are permitted, provided participants and organizers of recreational sports activities comply with the Guidelines for All Business Sectors and the sector-specific guidelines for recreational sports expressly incorporated by reference herein. Such guidance includes, but is not limited to, the following requirements:

a. Ten feet of physical distance should be maintained by all instructors, participants, and spectators, where practicable.

b. The total number of attendees (including both participants and spectators) of recreational sports cannot exceed the lesser of 50% of the occupancy load of the certificate of occupancy for the venue, if applicable, or 250 persons. For sports played on a field, attendees are limited to 250 persons per field.

13. Enforcement

Guidelines for All Business Sectors and the sector-specific guidelines appear here. The Virginia Department of Health shall have authority to enforce section A of this Order. Any willful violation or refusal, failure, or neglect to comply with this Order, issued pursuant to § 32.1-13 of the *Code of Virginia*, is punishable as a Class 1 misdemeanor pursuant to § 32.1-27 of the *Code of Virginia*. The State Health Commissioner may also seek injunctive relief in circuit court for violation of this Order, pursuant to § 32.1-27 of the *Code of Virginia*. In addition, any agency with regulatory authority over a business listed in section A may enforce this Order as to that business to the extent permitted by law.

B. CONTINUED RESTRICTIONS

1. All Public And Private In-Person Gatherings

All public and private in-person gatherings of more than 250 individuals are prohibited. The presence of more than 250 individuals performing functions of their employment is not a "gathering." A "gathering" includes, but is not limited to, parties, celebrations, or other social events, whether they occur indoors or outdoors.

Individuals may attend religious services subject to the following requirements:

a. Individuals attending religious services must be at least six feet apart when seated and must practice proper physical distancing at all times. Family members, as defined below, may be seated together.

b. Mark seating and common areas where attendees may congregate in six-foot increments to maintain physical distancing between persons who are not Family members.

c. Any items used to distribute food or beverages must be disposable, used only once and discarded.

d. Practice routine cleaning and disinfection of frequently-contacted surfaces must be conducted prior to and following any religious service.

e. Post signage at the entrance that states that no one with a fever or symptoms of COVID-19 is permitted to participate in the religious service.

f. Post signage to provide public health reminders regarding physical distancing, gatherings, options for high risk individuals, and staying home if sick.

g. Individuals attending religious services must wear cloth face coverings in accordance with Executive Order 63, Order of Public Health Emergency Five.

h. If religious services cannot be conducted in compliance with the above requirements, they must not be held in-person.

Further, any social gathering held in connection with a religious service is subject to the public and private in-person gatherings restriction in section B, paragraph 1. Additional suggested guidance can be found here.

2. Institutions of Higher Education

Institutions of higher education shall comply with all applicable requirements under the Phased Guidance of Virginia Forward and the "Guidelines for All Business Sectors." Any postsecondary provider offering vocational training in a profession regulated by a

Virginia state agency/board must also comply with any sector-specific guidelines relevant to that profession to the extent possible under the regulatory training requirements. Such professions may include, but are not necessarily limited to: aesthetician, barber, cosmetologist, massage therapist, nail technician, and practical nurse.

3. Overnight Summer Camps

Overnight services of summer camps, as defined in § 35.1-1 of the *Code of Virginia*, must remain closed.

4. Enforcement

Violations of section B paragraphs 1, 2, and 3 of this Order shall be a Class 1 misdemeanor pursuant to § 44-146.17 of the *Code of Virginia*.

C. CONTINUED GUIDANCE AND DIRECTION

1. Essential Retail Businesses

Essential retail businesses as set out below may continue to remain open during their normal business hours. They should comply with the Guidelines for All Business Sectors expressly incorporated by reference and linked here, as *best practices*. Employers are required to provide face coverings to employees.

a. Grocery stores, pharmacies, and other retailers that sell food and beverage products or pharmacy products, including dollar stores, and department stores with grocery or pharmacy operations;

b. Medical, laboratory, and vision supply retailers;

c. Electronic retailers that sell or service cell phones, computers, tablets, and other communications technology;

d. Automotive parts, accessories, and tire retailers as well as automotive repair facilities;

e. Home improvement, hardware, building material, and building supply retailers;

f. Lawn and garden equipment retailers;

g. Beer, wine, and liquor stores;

h. Retail functions of gas stations and convenience stores;

i. Retail located within healthcare facilities;

j. Banks and other financial institutions with retail functions;

k. Pet and feed stores;

l. Printing and office supply stores; and

m. Laundromats and dry cleaners.

2. State Agencies

All relevant state agencies shall continue to work with all housing partners to execute strategies to protect the health, safety, and well-being of Virginians experiencing homelessness during this pandemic and to assist Virginians in avoiding evictions or foreclosures.

3. Face Coverings

The waiver of § 18.2-422 of the *Code of Virginia* is continued, so as to allow the wearing of a medical mask, respirator, or any other protective face covering for the purpose of facilitating the protection of one's personal health in response to the COVID-19 public health emergency declared by the State Health Commissioner on February 7, 2020, and reflected in Amended Executive Order 51 (2020) declaring a state of emergency in the Commonwealth. Amended Executive Order 51 (2020) remains so amended. This waiver is effective as of March 12, 2020 and will remain in effect **until 11:59 p.m. on December 8, 2020**, unless amended or rescinded by further executive order.

Further, where a mandatory business sector requirement in this Order conflicts with a requirement to wear a face covering in Executive Order 63 and Order of Public Health Emergency Five (2020), the business sector-specific requirement governs.

4. Family Members

"Family members" include blood relations, adopted, step, and foster relations, as well as all individuals residing in the same household or visiting such household pursuant to a child custody arrangement or order. Family members are not required to maintain physical distancing while in their homes.

5. Exceptions

Nothing in the Order shall limit: (a) the provision of health care or medical services; (b) access to essential services for low-income residents, such as food banks; (c) the operations of the media; (d) law enforcement agencies; or (e) the operation of government.

6. Amended Executive Order 68 and Order of Public Emergency Eight

Amended Executive Order 68 and Order of Public Health Emergency Eight is still effective in the Eastern Region. Where any conflict exists between Amended Executive Order 68 and Order of Public Health Emergency Eight and this Order, Amended Executive Order 68 and Order of Public Health Emergency Eight controls.

Effective Date of the Executive Order

This Order shall be effective immediately and shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia and the Seal of the Office of the State Health Commissioner of the Commonwealth of Virginia, this **3rd day of September, 2020.**

Ralph S. Northam, Governor

M. Norman Oliver, MD, MA
State Health Commissioner

Attest:

Kelly Thomasson, Secretary of the Commonwealth