



DECLARATION OF EMERGENCY

DIRECTIVE 044

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, the World Health Organization advises that the novel coronavirus that causes COVID-19 virus 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 14, 2020, I formed a COVID-19 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 wearing a mask or other face covering is an important and effective measure to reduce the spread of COVID-19; and

WHEREAS, in late December 2020, Nevada began distributing COVID-19 vaccines, but the supply of vaccines remains 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 generally declined, but COVID-19 still poses a substantial threat to the public health; and

WHEREAS, on February 14, 2021, I issued Emergency Directive 037, which set forth a stepped approach to easing the restrictions on the size of gatherings, reduced capacity for bars, restaurants, and other businesses, that were implemented during the Statewide Pause; and

WHEREAS, Emergency Directive 037 provides that, beginning on May 1, 2021, it may be appropriate to transition the management of certain mitigation measures to the counties, if COVID-19 cases continue to decline; and

WHEREAS, Emergency Directive 041, issued on March 12, 2021, sets forth a process for counties to create a COVID-19 Local Mitigation and Enforcement Plan (“Local Plan”) that will provide for local control and enforcement of certain COVID-19 mitigation measures; and

WHEREAS, new variants of the COVID-19 virus have been identified, and medical experts have determined that some of these variants are significantly more contagious than previously known variants; and

WHEREAS, COVID-19 remains a statewide public health crisis and requires that certain mitigation measures and emergency management functions will continue to be managed at the state level to protect the overall health and safety of all Nevadans; 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, 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;"

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 provisions of previous Directives are hereby superseded only 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: Consistent with Directive 041 and the *Nevada United: Roadmap to Recovery* plan for a federally supported, state managed, and locally executed reopening approach, county governments are hereby delegated the authority to manage certain COVID-19 related mitigation measures, including restrictions on businesses and public activities. Restrictions imposed by county government through their COVID-19 Local Mitigation and Enforcement Plan (“Local Plan”), as set forth in Directive 041, may be more restrictive than the standards required by those statewide Directives that remain in effect, but in no case shall county-guidelines be more permissive than the provisions of those Directives.

SECTION 3: The phrase “social distancing” references guidance promulgated by the United States Centers for Disease Control and Prevention (“CDC”) regarding maintaining a certain physical distance between individuals not of the same household. The phrase “sanitation measures” or “sanitation guidelines” includes without limitation: washing hands with soap and water for at least twenty seconds as frequently as possible, using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

SECTION 4: The following shall terminate at 11:59 p.m. on April 30, 2021:

- The social distancing requirements and hygiene considerations as set forth in Directive 021.
- Section 2 of Directive 007.
- Any other directive provisions mandating statewide social distancing.

SECTION 5: All businesses and employers are encouraged to continue to take proactive measures to implement social distancing and sanitation guidelines.

SECTION 6: All Nevadans must continue to wear face coverings as set forth in Directive 024 and Directive 028. All businesses and employers shall continue to require employees who interact with the public to wear face coverings as set forth in Directive 024. All employers and shall abide by all other guidelines promulgated by NV OSHA and the Local Plan adopted by the county in which the business is located.

SECTION 7: NV OSHA shall continue to ensure that businesses reopening pursuant to this Directive, Directive 041, a county’s Local Plan, or otherwise operating during the state of emergency, provide adequate protections to their workers. NV OSHA shall enforce all violations of the remaining statewide Directives, guidance, protocols, and regulations.

SECTION 8: Effective May 1, 2021, Section 7 of Directive 041 is amended to read as follows:

Notwithstanding any delegation of authority pursuant to this Directive, certain mitigation measures (or "Baseline Statewide Mitigation Measures") shall remain in place and will continue to be managed and enforced by the State, including but not limited to:

- Statewide mask and face covering requirements as set forth in Directives 024 and Section 4 of Directive 028 (school districts and charter schools).
- Open Meeting Law provisions as originally set forth in Directive 006.
- Mitigation measures for gaming establishments.
- Crisis Standards of Care as set forth in Directive 011.

Effective May 1, 2021, the State will no longer require or enforce the following mitigation measures; however, counties, school districts, and charter school sponsors may adopt and enforce such mitigation measures as part of their respective COVID-19 mitigation plans:

- Social distancing and hygiene considerations as set forth in Directive 021 and Directive 028 (school districts and charter schools).
- School reopening and operational requirements as set forth in Directive 038. See Sections 13-16 of this Directive, below.

SECTION 9: Section 10 of Directive 041 is hereby terminated and replaced with the following:

This Section shall apply to all gatherings and events in excess of 250 attendees that will occur between May 1, 2021 and May 31, 2021.

A person wishing to host, organize, or conduct a large gathering (the "organizer") under this Section may continue to submit a Large Gathering Plan to B&I as set forth in Section 9 of Directive 041 through April 30, 2021. B&I will not approve any plan for more attendees than 50% of occupancy capacity for any event occurring before June 1, 2021. For events occurring on and after June 1, 2021, B&I will no longer review or approve plans. Approvals for Large Gathering Plans for events occurring on or after June 1, 2021 that were approved by B&I prior to the date of this Directive remain valid.

Events taking place between May 1, 2021 and May 31, 2021 that are submitted to B&I for approval under this section must also follow all mitigation measures required by the county where the event is to take place.

The organizer may also submit a Large Gathering Plan to the applicable authorities in the county, in accordance with the processes and procedures set forth by the county in its respective Local Plan. However, even if the Large Gathering Plan is approved by the county, it is not valid unless the county receives a delegation of authority pursuant to Section 4 of Directive 041.

For Large Gathering Plans approved by B&I prior to the date of this Directive, if a county subsequently approves a Large Gathering Plan for the same event and the county in which the event will occur has adopted a Local Plan pursuant to Section 3 of Directive 041 and received a delegation of authority pursuant to Section 4 of Directive 041, the organizer may hold the event according to either the plan approved by B&I or the plan approved by the county, whichever is less restrictive.

The intent of this Section is to promote certainty for the planning of events that will occur during the period of transition from State to county authority.

SECTION 10: Section 11 of Directive 041 is hereby amended to read as follows:

This Section shall apply to all gatherings and events in excess of 250 attendees that will occur on or after June 1, 2021.

B&I will no longer review and approve plans for large gatherings that will occur on or after June 1, 2021. A person wishing to host, organize, or conduct such a gathering (the "organizer") shall follow the procedures set forth in the Local Plan adopted by the county in which the event will occur.

If the county has not adopted a Local Plan or has not received a delegation of authority pursuant to the procedures set forth in this Directive, the organizer must consult with the applicable county and local health authorities to determine the appropriate mitigation measures.

SECTION 11: Notwithstanding any delegation of authority to a county pursuant to Directive 041, if any provision of a Local Plan adopted by a county pursuant to Directive 041 conflicts with any Baseline Statewide Mitigation Measures, including but not limited to the face covering requirement in Directive 024, such provision is void.

SECTION 12: If a county wishes to change its Local Plan after receiving a delegation of authority pursuant to Directive 041, such changes must be approved by its Board of County Commissioners. The county must submit a report to the Task Force that: (1) describes the changes; (2) includes a copy of the amended Local Plan; and (3) states whether the changes received the endorsement from the following entities:

- Local health district / authority;
- Superintendent of the local school district;
- City manager(s) of any city within the county with a population in excess of 100,000; and
- Nevada Hospital Association and/or Nevada Rural Hospital Association.

The changes become effective upon approval of the Board of County Commissioners, or upon a future date set by the Board.

On June 1, 2021, a county will no longer need to follow the process set forth in this Section to change, update or amend its Local Plan.

SECTION 13: Section 3 of Directive 028 and Sections 2, 3, and 4 of Directive 038 shall terminate at 11:59 p.m. on April 30, 2021. Effective May 1, 2021, authority for managing certain COVID-19 mitigation measures is delegated to county school districts, charter school sponsors, and private school leaders (“School Leaders”). School Leaders may determine capacity limits, social distancing protocols, and sanitation protocols for school transportation, spaces within school buildings or on school grounds, and for public gatherings and events of up to 250 people.

School Leaders should make these decisions in consultation with staff and families as well as local public health authorities.

Public gatherings and events of over 250 people organized or hosted by School Leaders or in school buildings or on school grounds require a Large Gathering Plan pursuant to this Directive and Directive 041.

SECTION 14: Effective July 1, 2021, Section 6 of Directive 005 is hereby amended to read as follows:

In addition to the methods of distance education allowed in NRS 388.826, County School Districts and Charter Schools may provide distance education through paper correspondence only with the advance written permission of the Superintendent of Public Education.

SECTION 15: All county school districts and charter schools must provide a distance education option for all students throughout the remainder of the Governor’s Declaration of Emergency in response to COVID-19.

SECTION 16: The Superintendent of Public Instruction shall update the requirements and provide written guidance to county school districts and charter schools regarding reopening plans and plans for Path Forward Programs of Distance Education for the 2021-22 school year.

SECTION 17: The following shall terminate at 11:59 p.m. on May 31, 2021:

- Directive 006

- Directive 034
- Directive 037
- Sections 6 and 7 of Directive 038
- Directive 039
- Directive 040
- Directive 042

SECTION 18: Effective May 1, 2021, Section 12 of Directive 041 is amended to read as follows:

Effective May 1, 2021, Section 7 of Directive 037 shall terminate, and authority to prescribe COVID-19 mitigation measures for gaming properties, which may include but are not limited to capacity limitations for gaming areas, is hereby delegated to the Gaming Control Board.

Effective 12:00 a.m. on May 1, 2021, provisions of this and other Directives that remain in effect, and any mitigation measures put in place by the applicable county, 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 19: The provisions of this Directive remain in effect until amended or 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 termination 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 this 19th day of April, in the year two thousand twenty-one.



Governor of the State of Nevada

Barbara K. Cegavske

Secretary of State

Scott Anderson

Deputy Secretary of State