

ATTENTION: This Order is not effective until midnight on May 28, 2021.



*Commonwealth of Virginia
Office of the Governor*

Executive Order

NUMBER SEVENTY-NINE (2021)

AND

ORDER OF PUBLIC HEALTH EMERGENCY TEN

**ENDING OF COMMONSENSE PUBLIC HEALTH RESTRICTIONS
DUE TO NOVEL CORONAVIRUS (COVID-19)**

Importance of the Issue

Since March 2020, Virginians have fought against the spread of COVID-19. We have witnessed service and sacrifice across the Commonwealth from our frontline workers, our students and teachers, our business owners, essential employees, and our families and neighbors. We have lost an astounding number of Virginians to this pandemic, and everyone has lost something. Commonsense public health restrictions have kept many Virginians safe during the last year, and with vaccines now widely available – over three millions Virginians are fully vaccinated and safe from serious illness or death caused by COVID-19 – it is time to begin our new normal. COVID-19 remains a serious risk to unvaccinated people, and I encourage all Virginians to get their shot as soon as possible. Masks are a critical tool in protecting yourself and others until you are fully vaccinated.

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:

CONTINUED GUIDANCE ON MASK WEARING

A. Masks – Indoors and Outdoors

All individuals in the Commonwealth aged five and older should cover their mouth and nose with a mask in accordance with the Center for Disease Control and Protection guidance linked [here](#). If there is a conflict between the sector-specific guidelines and this section, the sector-specific guidelines governs.

B. Masks – Enforcement

1. The Virginia Department of Health shall have authority to enforce this Order.
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*.
2. The Virginia Department of Labor and Industry, pursuant to § 40.1-51.1 of the *Code of Virginia*, the Department of Professional and Occupational Regulation, pursuant to 18 Va. Admin. Code § 41-20-280, the Virginia Department of Agriculture and Consumer Services, pursuant to § 3.2-5106 of the *Code of Virginia* or any other law applicable to these agencies, shall have authority to enforce section I of this Order.
3. Medical-grade masks and personal protective equipment should be reserved for medical personnel. The use of cloth masks does not replace the need to maintain the appropriate physical distancing, clean and disinfect frequently touched surfaces routinely in all public settings, stay home when sick, and practice frequent handwashing.

C. Masks – Exceptions

1. Where required to wear a mask, the requirement does not apply to the following:
 - a. While eating or drinking;
 - b. Individuals exercising or using exercise equipment;
 - c. Any person who is playing a musical instrument when wearing a mask would inhibit the playing of the instrument (e.g. wind or brass instrument) so long as at least ten feet of physical distance can be maintained from other persons, whether the rehearsal or performance is indoors or outdoors;
 - d. Any person who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the mask without assistance;
 - e. Any person seeking to communicate with people who are deaf or hard of hearing and for

which the mouth needs to be visible;

- f. When temporary removal of the mask is necessary to secure government or medical services;
 - g. When necessary to participate in a religious ritual; and
 - h. Persons with health conditions or disabilities that prohibit wearing a mask. Nothing in this Order shall require the use of a mask by any person for whom doing so would be contrary to his or her health or safety because of a medical condition. Adaptations and alternatives for individuals with health conditions or disabilities should be considered whenever possible to increase the feasibility of wearing a mask to reduce the risk of COVID-19 spreading if it is not possible to wear one.
2. Any person who declines to wear a mask because of a medical condition shall not be required to produce or carry medical documentation verifying the stated condition nor shall the person be required to identify the precise underlying medical condition.

D. Masks – Public and Private K-12 Schools

All students, teachers, staff, and visitors must wear a mask over their nose and mouth while on school property subject to **section C**.

E. Masks – Waiver


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 June 30, 2021, unless amended or rescinded by further executive order.

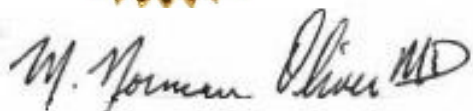
Effective Date of this Executive Order

This Order is in furtherance of Amended Executive Order 51 (2020). Further, this Order terminates Seventh Amended Number Seventy-Two (2021) and Order of Public Health Emergency Nine, shall be effective **midnight on May 28, 2021**, 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 14th day of May, 2021.**




Ralph S. Northam, Governor


M. Norman Oliver, MD, MA
State Health Commissioner

Attest:


Kelly Thomasson, Secretary of the Commonwealth