



DECLARATION OF EMERGENCY

DIRECTIVE 048

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, in late December 2020, Nevada began distributing COVID-19 vaccines; and

WHEREAS, Nevada's hospitalization rate for suspected and confirmed COVID-19 cases has trended downward after 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, on April 27, 2021, the national Centers for Disease Control and Prevention (“CDC”) released updated guidance recommending that all persons, whether vaccinated or not, continue to wear a mask while indoors. The CDC guidance also outlines situations where there is a low risk of spreading COVID-19 and wearing a mask may not be necessary, depending on whether an individual is fully vaccinated or not; and

WHEREAS, many Nevadans will choose to continue to wear a face covering in situations where doing so is not required, based on their personal judgments about their own health risks and those of their household members; and

WHEREAS, infectious disease and public health experts advised that wearing a mask or other face covering remains an important and effective measure to reduce the spread of COVID-19; 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, the CDC has identified the “delta” variant of COVID-19 and has deemed it a “variant of concern” due to its higher transmissibility; and

WHEREAS, COVID-19 cases in Nevada have trended upward since early July, 2021, the test positivity rate has climbed to over 15%, and most cases in Nevada have been identified as the delta variant; and

WHEREAS, on July 27, 2021, the CDC released updated guidance that all persons in counties with substantial or high transmission, whether vaccinated or not, continue to wear a mask while in indoor public spaces; and

WHEREAS, CDC’s July 27, 2021 updated guidance recommends universal masking in schools, for all students and staff, regardless of vaccination status, and regardless of the level of community transmission. The CDC explained that this is due to the large population of children who are ineligible for vaccination and the low level of vaccination rates nationally; and

WHEREAS, on May 3, 2021, the Governor issued Emergency Directive 045, which provides, among other things, that the State of Nevada requires the wearing of masks in a manner consistent with current guidance from the CDC, including any subsequent guidance issued by the CDC; and

WHEREAS, in-person instruction and participation in sports and extracurricular activities is vitally important to the positive academic, emotional, and social development of students in kindergarten through 12th grade; and

WHEREAS, many children are not yet eligible to receive a vaccine against COVID-19 and it is therefore imperative that other mitigation measures be used to protect children and to prevent disruption to in-person learning; and

WHEREAS, Nevada’s counties have differing characteristics, including geography and population density; 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

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: The term “indoor public setting” means any indoor area where people who are not members of the same household may be present. The term includes office buildings, breakrooms, hallways, cafeterias, meeting rooms, and other areas where people may interact, even though the public at large does not have access to the area.

SECTION 3: Notwithstanding anything to the contrary in Section 2 of Directive 047, for purposes of Nevada’s emergency directives, the level of community transmission of COVID-19 in a county (hereinafter “County Level”) will be determined as provided in this Section.

The CDC’s COVID Data Tracker (available at <https://covid.cdc.gov/covid-data-tracker/#county-view>) defines “low,” “moderate,” “substantial,” and “high” COVID transmission levels. The State will use the data and transmission levels from the CDC’s COVID Data Tracker, and may additionally use State data on testing, to determine the County Level for each county on a weekly basis, using a 14-day look-back period, as described below.

A county’s initial County Level is the transmission level indicated for that county by the CDC as of noon on Tuesday, July 27, 2021. Each Tuesday, the State will review the transmission level for each county based on data from the CDC’s COVID Data Tracker. If the CDC data show that a county’s transmission level has changed from its initial or prior level, and the county has remained within the new level for two consecutive weeks, the State will update the County Level to reflect that change.

Each Tuesday the State will notify each county of its current County Level, as determined pursuant to this Section, and its transmission level based on CDC data. If there is a change in the County Level, the corresponding requirements for face coverings as set forth in this and other Directives shall take effect at 12:01 a.m. on the Friday of that week.

SECTION 4: Section 7 of Directive 024 is hereby amended to read as follows:

The mandatory provisions of this Directive shall not apply to:

1. Except as otherwise provided in Section 5 of this Directive, children who are nine years of age or younger.
2. Individuals experiencing homelessness. Such individuals are encouraged to take protective measures to the greatest extent practicable.
3. Individuals who cannot wear a face covering due to a medical condition or disability, or who are unable to remove a mask without assistance. Persons exempted under this provision should wear a non-restrictive alternative, such as a face shield.

4. Individuals for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
5. Individuals who are obtaining a service involving the nose or face for which the temporary removal of the face covering is necessary to perform that service.
6. Individuals who are at a restaurant or other establishment that offers food or beverage services, while they are actively eating or drinking.
7. Individuals who are incarcerated. Prisons and jails, as part of their mitigation plans, will have specific guidance on the wearing of face coverings or masks for both inmates and staff, which may be more stringent than the requirements of this Directive.

SECTION 5: Face coverings are required in county school district, charter school, and private school settings as provided in this Section.

In counties with a population of 100,000 or greater, all kindergarten through 12th grade students (regardless of whether they would be exempt from the face covering requirement based on their age) must wear face coverings while inside school buildings unless granted an exemption consistent with this Section. Face coverings are required indoors regardless of vaccination status.

Notwithstanding anything to the contrary in Directive 047, in counties with a population less than 100,000, each county school district, charter school, and private school shall adopt a face covering policy that addresses whether or under what circumstances face coverings will be required for students while in school buildings or on school campuses. Any such policy must not conflict with the provisions of this Directive or with any face covering requirements imposed by county governments or local health authorities.

In all school settings:

1. All school staff must wear face coverings while inside school buildings, regardless of vaccination status.
2. School building administrators may approve exemptions for:
 - a. Students who are medically fragile as documented per an existing Individualized Education Program or health-related 504 Plan; or,
 - b. Students or staff who provide documentation from a qualified Nevada-licensed medical professional that they are exempt in accordance with subsection 3 of section 7 of Directive 024.
3. Unless expressly granted exempted consistent with subsection (2) of this Section, all kindergarten through 12th grade students, and all school staff, must wear face coverings while on school buses.
4. Parents, vendors, volunteers, visitors, and guests who are unable or unwilling to wear face coverings under any circumstances or exemptions should not be allowed on school buses or inside school buildings.

Irrespective of any policy adopted by a county school district, charter school, or private school, if a school-wide outbreak of COVID-19 is identified by the applicable local health authority in any school, the use of face coverings for all students in the affected school building(s) is mandatory and must be immediately implemented. Additional mitigation measures may also be required by the local health authority for that school or school building(s). The face covering requirement and any other mitigation measures remain in effect until the local health authority determines that the outbreak is closed.

All school districts, charter schools, and private schools are strongly encouraged to require all students to wear face coverings while inside school buildings.

SECTION 6: All county school districts, charter schools, and private schools, regardless of county transmission level, shall implement a regular COVID-19 testing program for students and staff or volunteers, including but not limited to coaches, leaders, and advisors, who are not fully vaccinated and who are involved in activities that involve travelling to other schools or venues outside of the county for games, tournaments, competitions, concerts, meets, or similar events. Testing must occur at least once per week. If a student, staff member, or volunteer tests positive for COVID-19, current CDC recommendations for isolation and quarantine must be followed.

SECTION 7: The NIAA must promulgate a mandatory COVID-19 testing and mitigation plan for full-contact and close-contact sports. The plan must require at a minimum weekly testing of coaches, staff and athletes participating in these sports who are not fully vaccinated. The plan must include rules and guidance for the use of face coverings by student athletes while both actively and not actively participating in the sporting activity.

Prior to the commencement of competitions of full-contact and close-contact sports between schools in different counties, the individual schools must implement the NIAA testing and mitigation plan and begin the weekly testing protocols required by such.

SECTION 8: If county school districts, charter schools, or private schools require the use of public or private facilities outside of school grounds for educational purposes, including but not limited to instructional activities or administering assessments, such facilities are subject to the mitigation requirements included in this and other applicable Directives.

SECTION 9: 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 4th day of August, in the year two thousand twenty-one.



Governor of the State of Nevada

Barbara K. Cegavske

Secretary of State

James C. ...

Deputy Secretary of State