



COMMONWEALTH of VIRGINIA

Department of Health

M. Norman Oliver, MD, MA
State Health Commissioner

PO BOX 2448
RICHMOND, VA 23218

TTY 7-1-1 OR
1-800-828-1120

WHEREAS, the State Health Commissioner declared novel coronavirus (COVID-19) a communicable disease of public health threat on February 7, 2020; and

WHEREAS, Governor Ralph S. Northam's declared state of emergency due to the COVID-19 pandemic ending on June 30, 2021, but the public health threat from exposure to COVID-19 remains, particularly for unvaccinated individuals; and

WHEREAS, COVID-19 spreads from person-to-person, transmitted via respiratory droplets, and can be spread from an infected person who does not have symptoms to another person; and

WHEREAS, the State Health Commissioner seeks to contain, control, and prevent additional COVID-19 infections in schools; and

WHEREAS, children under age 12 are not yet eligible to receive any available vaccine; and

WHEREAS, only 32.7% of 12-17 year-olds in Virginia are fully vaccinated as of June 28, 2021; and

WHEREAS, individuals aged 5-19 in Virginia have accounted for 13.5% of all reported cases in Virginia since the beginning of the pandemic; and

WHEREAS, universal and correct mask use is an important COVID-19 prevention strategy in schools as part of a multicomponent approach and has been shown to be associated with lower incidence of COVID-19 in schools; and

WHEREAS, access to full-time in-person school varied throughout the Commonwealth during the 2020-2021 school year and many students are seeking summer school in-person instruction to mitigate the effects of learning loss during the pandemic; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) advises that school leaders should provide safety-optimized in-person learning options across grade levels in all geographic areas; and

WHEREAS, the CDC recommends that schools continue to use layered prevention strategies outlined in the CDC Operational Strategy for K-12 Schools, including requiring the universal and correct use of masks of all people in schools, regardless of vaccination status; and

WHEREAS, the expired Executive Order 79 and Order of Public Health Emergency 10 included an indoor mask requirement for all students, teachers, staff, and visitors at K-12 schools; and

WHEREAS, decreasing community spread in Virginia's K-12 schools, which have a high percentage of unvaccinated individuals, protects the public health of all Virginians; and

WHEREAS, pursuant to § 32.1-13 of the Code of Virginia, the State Health Commissioner, acting for the Board of Health when it is not in session pursuant to § 32.1-20 of the Code of Virginia, is vested with authority to make separate orders to meet any emergency not provided for by general regulations, for the purpose of suppressing conditions dangerous to the public health and communicable, contagious, and infectious diseases.

NOW THEREFORE, the State Health Commissioner, pursuant to §§ 32.1-13 and 32.1-20 of the Code of Virginia, hereby issues this Order finding that a public health emergency due to COVID-19 continues to exist, and requiring all individuals aged five and older to wear masks when indoors at public and private K-12 schools in order to inhibit spread of the virus, as recommended and described by the CDC. This Order applies to indoor in-person instruction settings for K-12 students. In-person instruction setting means any form of indoor instructional interaction between teachers or staff and students that occurs in person and in real time. Exceptions to the requirement to wear a mask in this Order include:

- A. Individuals eating, drinking, or sleeping;
- 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 six feet of physical distance can be maintained from other persons;
- 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.

This requirement does not apply to individuals when outdoors.

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.

This Order shall be effective July 1, 2021, and shall remain in full force and effect until July 25, 2021.

Given under my hand and under the Seal of the Office of the State Health Commissioner of the Commonwealth of Virginia this 30th day of June 2021.

A handwritten signature in blue ink that reads "M. Norman Oliver MD". The signature is written in a cursive style and is positioned above a horizontal line.

M. Norman Oliver, MD, MA
State Health Commissioner