

STATE OF VERMONT

EXECUTIVE DEPARTMENT

ADDENDUM 15 TO AMENDED AND RESTATED EXECUTIVE ORDER NO. 01-20

[Use of Facial Coverings and Temporary Restrictions on Hours of Operation]

WHEREAS, on Friday, March 13, 2020, the Governor issued Executive Order 01-20, Declaration of State of Emergency (“Executive Order”), as amended and restated June 15, 2020 (“Amended and Restated Executive Order”), declaring a state of emergency for the State of Vermont in response to COVID-19; and

WHEREAS, all states in the region, including Vermont, have experienced community transmission of COVID-19 which has led to hundreds of thousands of cases and thousands of deaths within a five hour drive of Vermont’s borders; and

WHEREAS, the Governor, in consultation with the Vermont Department of Health (VDH), has initiated aggressive and sustained efforts to protect property and public health, and to ensure public safety in this health emergency including issuing the Executive Order, as amended and restated, and Directives issued pursuant to the Executive Order to limit in-person contact, such as limiting the size of gatherings, closure of schools and the institution of remote learning through the end of the 2019-2020 school year, directing the postponement of non-essential medical and surgical procedures, suspending the operation of close contact businesses, requiring telecommuting and work from home, requiring Vermonters to stay home and stay safe with exceptions for essential purposes and suspending the operation of businesses which were not deemed critical to public health and safety and national and economic security; and

WHEREAS, beginning in April 2020, the Governor undertook a cautious, measured and data-based approach to restarting Vermont’s economy to minimize the risk to the public by limiting the spread of infection in our communities to protect the most vulnerable, while reopening business, non-profit, government and recreation sectors in a safe and effective way; and

WHEREAS, in connection with the Governor’s cautious, measured and data-based approach to restarting Vermont’s economy in a safe and effective way, on April 20, 2020, the Governor issued Addendum 10 to the Executive Order that established health and safety requirements to be followed by all employers and employees, including mandatory facial coverings for employees when in the presence of others, and strongly encouraged all Vermonters to wear facial coverings when in the presence of others; and

WHEREAS, on May 1, 2020 the Governor issued Addendum 12 to the Executive Order that required facial coverings on public transit conveyances, including ride services, and in mass transportation facilities; and

WHEREAS, on June 15, 2020, the Governor issued an Amended and Restated Executive Order which reiterated existing mask policies and recommended Vermonters use facial coverings when

in contact with individuals from outside their household, and especially when maintaining a physical distance of six feet was not possible; and

WHEREAS, on July 24, 2020, in anticipation of colder weather, more frequent indoor gatherings and the coming flu season, the Governor issued Addendum 2 to the Amended and Restated Executive Order directing all Vermonters to wear masks or cloth facial coverings over their nose and mouth in most instances when they are in public spaces, and in contact with others from outside their households; and

WHEREAS, modeling studies done for the State clearly show that, but for the mitigation measures taken by the Governor, the number of COVID-19 hospitalizations and COVID-19 related deaths in the State would have had a much more devastating effect on Vermonters and threatened to overwhelm the capacity of the Vermont health care system; and

WHEREAS, the mitigation measures taken in 2020, including significant testing and contact tracing capacity, mask-wearing and other health and safety protocols, substantial federal financial aid, food distribution and emergency housing, prepared Vermonters, healthcare institutions and schools for the spike in COVID-19 cases in late fall and early winter to such an extent Vermont was able to avoid a substantial roll-back of Vermont's ongoing restart efforts; and

WHEREAS, thanks to the initiation of Vermont's nation-leading vaccination program and continued adherence by Vermonters to the State's safety measures and substantial uptake of vaccine, Vermont is now seeing significant decreases in its rate of hospitalizations and deaths; and

WHEREAS, this trend has allowed the Agency of Commerce and Community Development (ACCD), in consultation with VDH, with the approval of the Governor, to release the Vermont Forward Roadmap to Reopening: Phased Reopening Plan ("Vermont Forward"), to relieve restrictions on the operations of businesses and non-profit and government entities as certain vaccination goals are met; and

WHEREAS, the CDC has recently acknowledged, and the science and data strongly indicate that, transmission of COVID-19 in outdoor settings is very rare, the Governor, in consultation with VDH, the Department of Financial Regulation and the Department of Public Safety, has determined that the data and conditions in Vermont support further reducing restrictions on all Vermonters when outside.

NOW THEREFORE, I, Philip B. Scott, by virtue of the authority vested in me as Governor of Vermont by the Constitution of the State of Vermont, Chapter II, Section 20 and under 20 V.S.A. §§ 8, 9 and 11, hereby order the amendment of the Amended and Restated Executive Order as follows:

1. Rescission of Addendum. Addendum 2 to the Amended and Restated Executive Order is hereby rescinded.
2. Mask Use. Section 7(f) of the Amended and Restated Executive Order regarding Mask Use is hereby amended in its entirety to read as follows:

(f) Masks or Cloth Facial Coverings.

As of Friday, April 30, 2021, Vermonters are no longer required to wear face coverings over nose and mouth when they are in outdoor public spaces, provided sustained or prolonged close contact with individuals from outside their household can be avoided.

For clarity, “sustained or prolonged contact” is defined as more than several minutes. “Close contact” is defined as being less than six-feet from an individual from outside your household. For example, masking would not be required when passing someone on the sidewalk or at an outdoor market. Put another way, when you are outdoor, masks are only required when you are in a crowd or with multiple other households where you cannot avoid close contact.

The Commissioner of VDH, with the approval of the Governor, is hereby delegated the authority to implement and update guidance regarding the use of masks or cloth facial coverings required indoors or outdoors in public.

Nothing in this Order or any other State health and safety guidance shall require the use of a mask or cloth facial covering when someone is engaged in strenuous exercise or activity, for anyone under the age of 2, any child or adult with a medical or developmental issue or challenge that is complicated or irritated by a facial covering, anyone with difficulty breathing or as further set forth in guidance issued by VDH. A person who declines to wear a mask or cloth face covering because of a medical or developmental issue, or difficulty breathing, shall not be required to produce documentation, or other evidence, verifying the condition.

Businesses and non-profit and government entities shall continue to implement measures notifying customers or clients of the requirement to wear masks or facial coverings in public indoor spaces. This notice may include, but shall not be limited to, posting signage stating that masks or cloth facial coverings are required and denial of entry or service to customers or clients who decline to wear masks or facial coverings.

For the sake of clarity, the requirements for masks or facial coverings or permitted alternatives in specific circumstances shall continue to apply as set forth in the following guidance:

- Vermont Forward, permitting limited alternatives to face masks in limited workplace settings, as well as some flexibility on use of masks or facial coverings in other circumstances, such as when eating in a restaurant;
- A Strong and Healthy Year: Safety and Health Guidance for Vermont Schools, Spring 2021 issued by the Secretary of the Agency of Education (AoE);
- Health Guidance for Childcare and School Age Camps/Care issued by the VDH, AoE and the Department for Children and Families;
- Guidance to Healthcare Providers issued by the VDH; and
- Other as set by a designated Secretary or Commissioner, with the approval of the Governor.

The legislative body of each municipality may enact more strict local requirements regarding mask use than those set forth herein. Businesses may also enact more strict requirements regarding mask use than those set forth herein.

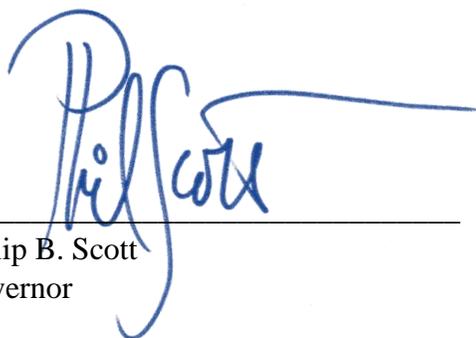
To support further relaxation of restrictions, and a return to normal operations and full mobility, municipalities and business should encourage all residents, employees and customers to be vaccinated at the earliest opportunity.

3. Temporary Limitations on Business Operations and Social Gatherings. Notwithstanding anything to the contrary in the Vermont Forward plan, restaurants, catering, food service, social clubs and bars must cease service at 10:00pm each night, until the Secretary of ACCD, in consultation with the Commissioner of VDH, and with the approval of the Governor, lifts this restriction.
4. Unemployment Insurance; Work Search. Effective May 9, 2021, Section 5(a) of the Amended and Restated Executive Order is hereby modified to direct the Commissioner of the Department of Labor to reinstitute the work search requirement for all workers seeking unemployment benefits.

This Addendum 15 to the Amended and Restated Executive Order shall take effect upon signing and shall continue in full force and effect until midnight on May 15, 2021, at which time the Governor, in consultation with the Vermont Department of Health and the Department of Public Safety shall assess the emergency and determine whether to amend or extend this Addendum.



By the Governor:


Philip B. Scott
Governor


Brittney L. Wilson
Secretary of Civil and Military Affairs

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Dated: April 30, 2021