ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2021-134
February 26, 2021

STATE OF EMERGENCY

WHEREAS, the novel coronavirus (COVID-19) is a respiratory disease causing mild to very severe illness, including death, and many cases of COVID-19 have been confirmed in the Commonwealth; and

WHEREAS, I declared on July 9, 2020, through Executive Order 2020-586 that Kentuckians were required to wear face coverings in many public places to fight the continued spread of COVID-19 for the reasons set forth in that Order; and

WHEREAS, I renewed that Order: on August 8, 2020, through Executive Order 2020-651; on September 4, 2020, through Executive Order 2020-750; on October 6, 2020, through Executive Order 2020-856; on November 4, 2020, through Executive Order 2020-931; on December 3, 2020, through Executive Order 2020-996; on December 29, 2020, through Executive Order 2020-1056; and on January 30, 2021, through Executive Order 2021-070; and

WHEREAS, data from the University of Oxford show an inverse correlation between the number of COVID-19 mitigation measures taken by a state, such as a face covering mandate, and the seriousness of the virus's third spike within that state;

WHEREAS, the Centers for Disease Control and Prevention conducted a study of Kansas's face covering mandate, wherein the 24 counties who complied with the mandate experienced a 6% decrease in new COVID-19 infections but the 81 counties who opted out of the mandate experienced a 100% increase in new COVID-19 cases; and

WHEREAS, under the powers provided by the Kentucky Constitution and Kentucky Revised Statutes, including KRS Chapter 39A, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth. The State of Emergency continues:

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NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of authority vested in me pursuant to the Constitution of Kentucky and KRS Chapter 39A, do hereby Order and Direct the following:

1. For the purposes of this order, a "face covering" is a material that covers the nose and mouth and is secured to the head with ties, straps, or loops over the ears, or is wrapped around the lower face. It can be made of a variety of materials, including cotton, silk, or linen, and ideally has two or more layers. Face coverings may be factory-made, homemade, or improvised from household items such as scarfs, bandanas, and t-shirts. Guidance on how to make a face covering at home is available at: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html.

2. The provisions of this Order shall apply to members of the public in Kentucky. Existing sector specific requirements mandating face coverings for employees of entities in the Commonwealth remain in effect and are available online at: https://healthyatwork.ky.gov.

3. People in Kentucky must cover their nose and mouth with a face covering when they are in the following situations that represent a high risk of COVID-19 transmission:

    a. While inside, or waiting in line to enter, any: retail establishment; grocery store; pharmacy; hair salon/barbershop; nail salon/spa; tattoo parlor; child care facility; restaurant or bar (when not seated and consuming food or beverage); gym, fitness studio, or any other indoor exercise or sports facility, including while actively engaged in exercise; health care setting, or; any other indoor public space in which it is difficult to maintain a physical distance of at least six feet from all individuals who are not members of that person's household;

    b. While waiting for or riding on public transportation or paratransit, or while riding in a taxi, private car service, or ride-sharing vehicle, or driving any of the above while customers are present; or

c. While in outdoor public spaces in which the person cannot maintain a physical distance of six feet from all individuals who are not members of the person's household and is not otherwise covered by previously issued guidance.

4. The following are exempt from wearing face coverings:

a. Children who are age 5 or younger;

b. Any person with disability, or a physical or mental impairment, that prevents them from safely wearing a face covering;

c. Any person who is deaf or hard of hearing and is actively communicating, or any person who is actively communicating with someone who is deaf or hard of hearing, and is able to maintain a safe distance of six feet from all individuals who are not members of that person's household;

d. Any person engaged in work that a state or federal regulator has concluded would make wearing a face covering a risk to their health or safety;

e. Any person who is seated and actively consuming food or beverage at a restaurant, bar, or other establishment that offers food or beverage service;

f. Any person who is obtaining a service that requires temporary removal of the face covering in order to perform the service;

g. Any person who is required to temporarily remove their face covering to confirm their identity or for security or screening purposes;

h. Any person who is giving a speech or broadcast to an audience and is able to maintain a safe distance of six feet from all individuals who are not members of the person's household;

i. Any person who is in a swimming pool, lake, or other body of water;

j. Any person who is exempt from wearing a face covering under guidance provided by the Kentucky High School Athletics Association or under guidance for athletic activities at institutions of higher education;

k. Any person who is engaged in a lawful activity where federal or state law prohibits wearing a face covering.

5. Failure to follow the requirements provided in this Order and any other Executive Order and any Cabinet Order, including but not limited to the Orders of the Cabinet for Health and Family Services, is a violation of the Orders issued under KRS Chapter 39A and must result in a loss of access to a business's services. Failure to follow the requirements could also subject a person or entity to penalties as authorized by law.

6. All local, county, and city government offices and agencies are encouraged to adopt or incorporate the requirements provided in this Order.

7. Nothing in this Order should be interpreted to interfere with or infringe on the powers of the legislative and judicial branches, or other constitutional officers to perform their constitutional duties or exercise their authority. However, the legislative and judicial branches, and other constitutional officers, are encouraged to adopt or incorporate the requirements provided in this Order.

8. This Order is effective at 5:00 p.m. on February 28, 2021, for a period of 30 days, and is subject to renewal.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State

RECEIVED AND FILED

DATE 2/26/2021

MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY

BY Sarah M. Dunn