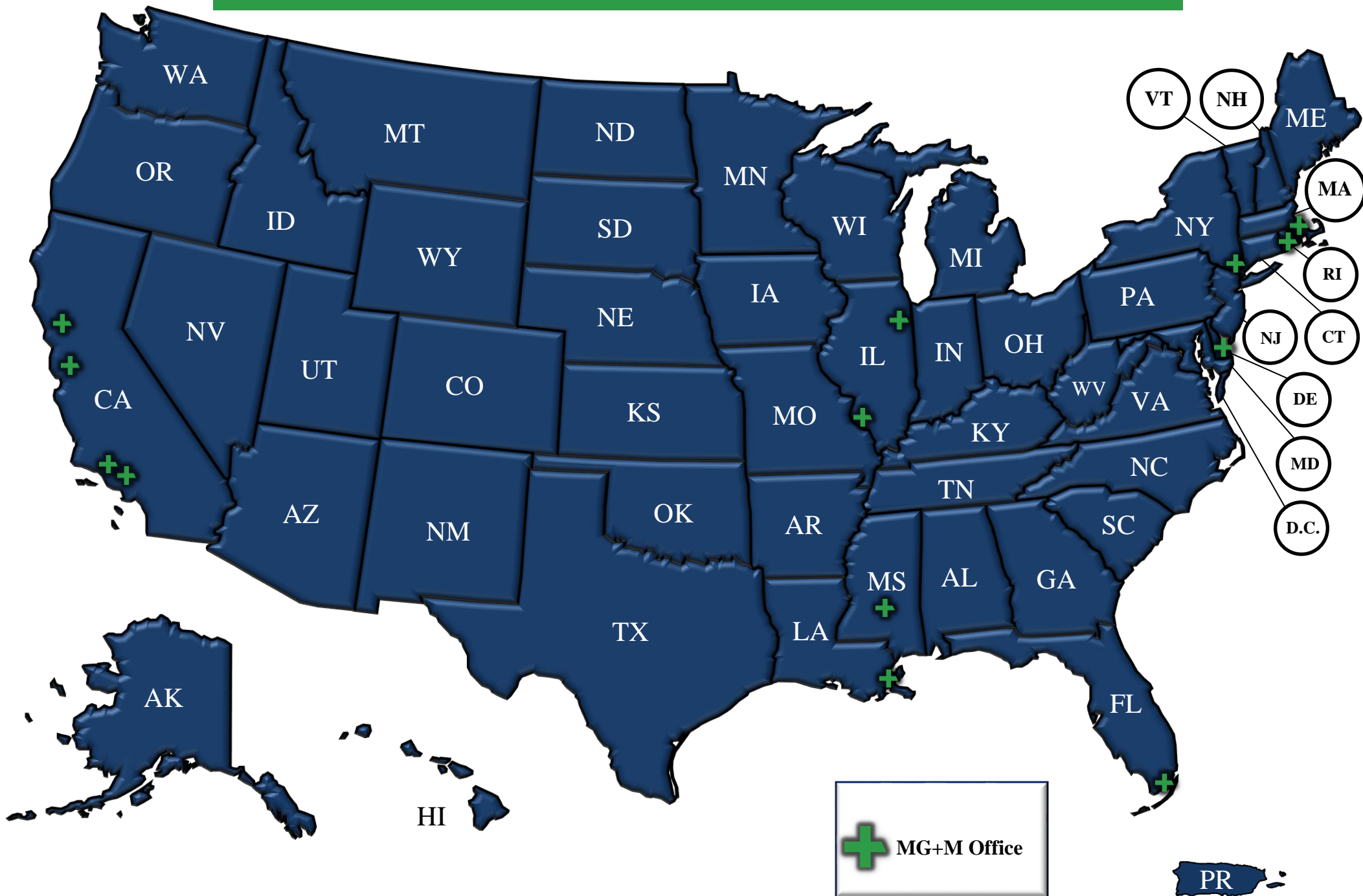


# COVID-19 State Response Survey

Please click on any individual state to obtain information related to the jurisdiction's responses to COVID-19



## ALABAMA

### Operative Plans and Orders:

[Alabama 22nd Supplemental Proclamation Amended Safer at Home Order Proclamation](#) (May 8, 2020)  
[Act No. 2021-493](#)  
[Alabama AG Public Notice on Vaccine Passport Prohibition](#)

### Relevant Websites:

[AL COVID-19 Information Hub](#)  
[AL Public Health COVID-19 Website](#)  
[Alabama Vaccine Distribution Plan](#)  
[Alabama Back to school Guidance 2021-2022](#)

Alabama's state of emergency ended July 6, 2021. There are no statewide travel restrictions in effect. Anyone 18 years and older is eligible for all 3 versions of the available COVID-19 vaccine in Alabama. Persons aged 12 and older are eligible to receive the two-dose Pfizer vaccine. Approximately 44% of the total population of Alabama is fully vaccinated against COVID-19.

On May 24, 2021 Governor Ivey signed a bill banning so-called "vaccine passports" mandating proof of vaccination to accept services from a business or state agency. The legislation also bans schools from asking students and teachers for vaccine certification in order to return to in-person classes. Colleges could still require students to receive vaccines.

Alabama Attorney General Steve Marshall clarified state law reiterating that it prohibits businesses from serving customers based on vaccination status, but does not prevent a private employer from requiring employees to be vaccinated. Attorney Marshall announced on September 14, 2021 that he will file litigation challenging the anticipated OSHA vaccine mandate for private employers with over 100 employees when it issues following President Biden's announcement of a CV-19 plan including directing OSHA to prepare and issue such a directive.

An Alabama state court judge dismissed a lawsuit filed in September, 2021 by the parent of a McAdory High School student-athlete who was sent home for refusing to wear a mask in school. On October 12, 2021, the parent filed an appeal asking the Alabama Supreme Court to order the school district to dissolve the mask mandate. The appeal argues that mask requirements violate laws governing scientific experiments, informed consent and medical devices, and that masks are dangerous for children.

Employers such as Tyson Plants and Genesis Healthcare have issued vaccine mandates for employees Tyson Plants has instituted a deadline for employee vaccination of November 1,

**2021 and Genesis Healthcare required all employees to have at least the first dose of a vaccine by August 23, 2021.**

**On August 2, 2021, the Alabama Department of Public Health released new back-to-school guidance reflecting the CDC’s recommendation for universal masking and social distancing in schools. The final decision is specific protocols to be followed will be left to individual school districts. The ADPH recommends universal masking regardless of vaccination status for students and staff along with social distancing, improved ventilation in school buildings and following handwashing hygiene protocols. More than 100 of Alabama’s public school districts are requiring masks indoors for students and staff.**

**The University of Alabama is returning to pre-pandemic operations for the Fall 2021 semester. Vaccination is “strongly encouraged” and will be offered on campus at no cost. The wearing of face coverings will be required indoors on campus when social distancing is not possible and applies to everyone on campus regardless of vaccination status. Masks are required in classrooms and classroom buildings, regardless of distancing as well as in personal meeting spaces when meeting with faculty and advisors. The campus bus system will also require masks to be worn. Exceptions to the mask mandate include when a person is alone in an office or private workspace, in residence hall rooms, while eating or drinking, while exercising and for faculty when teaching if properly distanced and behind Plexiglas.**

All businesses are open to the public at 100% capacity and are encouraged to disinfect frequently and encourage mask usage and social distancing. It is up to businesses to decide if they will continue requiring face coverings or not for their workers and customers. The Alabama Department of Public Health (ADPH) has issued [guidelines](#) regarding sanitation and social distancing for a variety of sectors, ranging from businesses to athletic facilities to places of worship.

On May 8, 2020, the Governor issued a [Proclamation](#) based upon powers granted to the Governor in a state of emergency under the Alabama Emergency Management Act of 1955. The Proclamation provides civil immunity for death, personal injury, or damages to property for COVID-19 related claims unless a claimant shows “by clear and convincing evidence” that it was caused by wanton, reckless, willful, or intentional misconduct. The Proclamation further prohibits the recovery of “non-economic or punitive damages” even where such a claim is permitted. However, claims for wrongful death may seek punitive damages.

The Proclamation covers “businesses, health care providers, or other covered entities” including individuals, partnerships, associations, corporations, healthcare providers means an individual, partnership, association, corporation, health care provider, and other forms of business entities as well as the agencies and instrumentalities of the State of Alabama including any university or public institution of higher education, whether such institution is for profit or non-profit, including its directors, officers, trustees, managers, members, employees, volunteers, and agents.

The Proclamation specifically states that it does not affect any rights under the Alabama Workers' Compensation Act. The Proclamation was made retroactive and effective for acts or omissions occurring from March 13, 2020 through the termination of the public health emergency in Alabama.

On February 12, 2021, Governor Ivey signed a COVID liability bill into law. Senate Bill 30 provides civil immunity for Alabama businesses, health care providers, educational entities, churches, governmental entities, and cultural institutions and their employees from lawsuits alleging that they helped spread COVID-19 to their workers or customers. The legislation only allows lawsuits against entities that caused the damages, injury, or death by acting with wanton, reckless, willful or intentional misconduct.

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*Information for Alabama was updated on October 17, 2021*

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## ALASKA

### Operative Plans and Orders:

[AK Reopen Alaska Responsibly Plan](#)  
[COVID-19 Health Mandates](#)

### Relevant Website:

[AK COVID-19 Information Website](#)  
[Alaska Safe Travels](#)  
[COVID-19 Health Alerts](#)  
[City of Anchorage COVID-19 Website](#)

**Alaska is currently operating under Phase 3/4 of its “Reopen Alaska Responsibly Plan,” which means that all businesses are open. Additionally, the State implemented new travel protocols, which no longer requires individuals entering Alaska to obtain a negative COVID-19 test upon arrive but still strongly recommends doing so. Although the State has not imposed any general statewide face covering mandate, it is strongly recommended that all individuals wear a face covering when in public. COVID-19 vaccinations are available to anyone 12 years-old or older who lives or works in the State.**

On May 22, 2020, Alaska began Phase 3/4 of the “Reopen Alaska Responsibly Plan.” Under Phase 3/4, “Alaska is open for business,” meaning that all businesses, places of worship, libraries, museums, recreational activities, and sports activities may resume operations. Alaska places the burden on individuals, businesses, and organizations to minimize the spread of COVID-19 and encourages compliance with local, state, national, and industry guidelines to safely conduct business. Phase 3/4 general guidelines can be viewed [here](#) and detailed guidance [here](#). The State also issued [Health Advisory No.1](#) that reminds residents that they must take individual responsibility to protect themselves as well as their communities by wearing face coverings, practicing social distancing, monitoring their health, and practicing good hygiene. The governor also proposed an act, [SB 56](#), to extend the State’s public health disaster emergency period to the end of the federal fiscal year, September 30, 2021.

[Health Advisory No. 2: International and Interstate Travel](#), provides guidance for travelers entering Alaska and is designed to mitigate the transmission and control the spread of the COVID-19 virus. The State also issued [Health Advisory No. 3: Intrastate Travel](#), which provides similar guidance to intrastate travelers. The current Alaska COVID-19 travel requirements may be found on the State's ["Safe Travels" website](#). The State has discontinued its testing requirements for travel. Travelers may test for free upon arrival.

There is no statewide mandate or requirement with respect to the use of face coverings by the public although it is recommended by the State along with following appropriate hand hygiene protocol and social distancing. However, Anchorage schools will mandate masks indoors.

In response to the November 4, 2021 OSHA rule mandating masking and vaccination, [Alaska has joined a law suit aimed at blocking the implementation of a vaccine requirement](#). The suit was filed in the Eight Circuit and claims that OSHA has no legal grounds to institute such broad and far reaching rules. The complaint alleges that the OSHA rule violates the proper separation of powers and does not appropriately consider religious exemptions. As challenges and appeals to this rule had been filed in all 12 geographic Circuit Courts in the U.S., a lottery was held to determine which court would hear the consolidated case. On November 16, 2021, it was determined that the [United States Court of Appeals for the Sixth Circuit](#) would consolidate and review the petitions.

Additionally, Alaska joined nine other State plaintiffs in a [law suit](#) seeking relief from the federal vaccine mandate for federal contractors. [Attorney General Taylor claims](#), on behalf of Alaska, that the mandate is ambiguous and inconsistent with other regulation as well as an overstep of executive power. On November 10, 2021, Alaska joined these same states in a further [law suit](#) that asks the District Court for the Eastern District of Missouri to stop the Centers for Medicare and Medicaid Service rule which requires nearly every health care employee be vaccinated. Attorney General Taylor claimed that the rule infringed on the 10<sup>th</sup> Amendment rights of the states.

On November 29, 2021, the United States District Court for the Eastern District of Missouri [granted preliminary injunction](#), staying enforcement of the federal Medicare and Medicaid Services vaccine mandate. Alaska had joined nine other states as plaintiffs seeking this relief. In the state of Alaska, as well as the nine other plaintiff states, the vaccine requirement is now unenforceable pending a full trial on the merits.

The State has reported cases of the Delta variant. The variant accounts for over 90% of the State's new cases. Currently, approximately 60.5% of the [State's population ages 12 and over](#) has been fully vaccinated against COVID-19. Children ages 5 to 11 have been [eligible for the Pfizer COVID-19 vaccine](#) since November 3, 2021.

The Department of Health and Social Services authorized Crisis Standards of Care for hospitals through a new [addendum to the Public Health Emergency Order](#) published on September 22, 2021. Under this standard, medical providers are permitted to utilize alternative care sites, utilize options for early dismissal that may not meet the standard of best practices, and postpone medical procedures as necessary. The addendum also extends to all participating facilities immunity from civil liability as set forth in [House Bill 76](#).



On September 10, 2021, the Alaska senate passed [Senate Bill 3006](#), which relieves medical providers from certain obligations ([AS 08.64.170](#) and [AS 08.68.160](#)) normally required in order to facilitate telehealth operations. Primarily, the bill waives additional, local, licensing requirements for health care providers properly licensed in other jurisdictions who are providing telehealth or telemedicine services in the state of Alaska. The bill also contains amendments which will allow people to decline the COVID-19 vaccine for any reason, and encodes a right to replace proof of vaccination with a past positive COVID-19 test result wherever required.

To bolster Alaska's healthcare workforce, Governor Dunleavy released a [new healthcare support plan](#) on September 22, 2021. The plan involves an \$87 million contract with the federal General Services Administration to supply health care staff for Alaska hospitals. Alaska is expecting nearly 300 registered nurses and over 100 nursing assistants in the first wave. The plan also reduces the number of hours required for CNA training, and creates a structure to provide home COVID-19 test kits to support in-person schooling.

Juneau is operating under a [Risk and Mitigation Strategy](#) approach. Under this approach, there are four risk levels: Minimal, Moderate, High, and Very High. The overall risk assessment is based on the totality of the data available rather than any single metric. Currently, Juneau is at Level 3: High level, meaning that the community's overall case positivity is quickly rising but the hospital case load is stable. Under the "high" level, face coverings are required in indoor public spaces and outdoors when social distancing cannot be kept; social distancing of six-feet between persons outside of a social bubble must be maintained; indoor gatherings should be limited to 20 individuals and have safety measures in place if some attendees are not fully, although exemptions can be granted; bars and restaurants cannot exceed 50% capacity inside, must maintain social distancing between groups, and are required to close at 11:00 PM; capacities; personal services can only be done by appointment and without waiting rooms; and gyms are limited to 50% capacity. Gyms must also limit indoor classes to people who are fully vaccinated.

In its most recent city special session, the City of Juneau [reinstated the monetary penalty](#) of \$25 for violating the rules of the existing COVID-19 Mitigation Policy.

On October 5, 2021, the Alaska Legislative Council released a new [COVID-19 Mitigation Policy](#) instating mandatory face coverings in all legislative facilities regardless of vaccination status, and a mandatory regular testing regiment for all legislators, staff, and visitors.

Eligibility for vaccines is extended to anyone ages 12 and older. Alaska is administering the Pfizer COVID-19 vaccine to anyone 12 years and older. In accordance with FDA approval and guidance, the Moderna and Johnson & Johnson vaccines are only available to individuals ages 18 and older. State health officials are encouraging certain immunocompromised individuals to receive a third dose of the Pfizer or Moderna vaccine. For a current list of eligible individuals, please see [Alaska COVID-19 Vaccine Status](#).

Students at the University of Alaska who plan to live in the school's dorms are required to be fully vaccinated within 45 days of moving in. Additionally, all campuses for the University of Alaska and Alaska Pacific University require individuals to wear masks while indoors.

The governor issued [Administrative Order No.321](#), which provides that the Alaska will not require vaccine passports in order to travel to, or around, Alaska. The governor explained that this will continue to protect the fundamental rights of citizens to travel freely between states, as well as the rights of Alaskans who travel within their state.

Governor Dunleavy issued [Administrative Order No. 325](#) on November 2, 2021 in an attempt to mitigate the effects of federal health initiatives. The order requires the State’s Attorney General to “review” all federal legislation relating to IRS monitoring of bank accounts, and all vaccine mandates. The order further states that no state agency shall, as far as the law allows, act or use state or personal funds to advance a federal vaccine mandate for employers or further any action that “infringes on the constitutional rights of Alaskans” or “unconstitutionally chill free speech or infringe upon other constitutional rights exercised by citizens against or in support of local school district policies.”

News sources [reported](#) that the Alaska brand Bering Straits Native Corporation (“BSNC”) mandated that “all employees be vaccinated” once the vaccine becomes available, unless “a reasonable accommodation is approved.” BSNC employees not in compliance with this policy by August 1, 2021, were “placed on unpaid leave until their employment status is determined by the Human Resources department.” Additionally, the Southeast Alaska Regional Health Consortium required its employees to have at least one dose of a vaccine by the end of June 2021. Employees receiving a two-dose vaccine were required to receive their second dose by July 31, 2021. Next, Southcentral Foundation and the Alaska Native Tribal Health Consortium, two of the State’s largest employers, will require all of their staff to be vaccinated by October 15, 2021. PeaceHealth has also mandated the vaccine for many of its employees since August 31, 2021, and Providence Health & Services Alaska has required its employees to either get vaccinated by the end of September or follow added rules. Finally, leaders of the Central Council of Tlingit & Haida Indian Tribes decided to require the vaccine for its employees. Any delegates planning to attend the tribal assembly meeting in-person in September will also need to be vaccinated.

Some of the largest hospitals in Alaska, such as the [Providence Alaska Medical Center](#) and the [Alaska Regional Hospital](#), are beginning to shift to less restrictive visitor and access policies after enacting the strictest available standards in September, 2021.

In addition to the aforementioned companies that are mandating vaccinations, [Alaska Airlines](#) has enacted similar measures for its employees. Yet, in reaction to the amended complaint filed by Arizona Attorney General Brnovich, the federal contractor [Alaska Railroad has rescinded its vaccine mandate](#) in violation of the Presidential Executive Order requiring all businesses with over 100 employees and federal contractors implement a vaccine requirement. The board rescinded the mandate on October 26, 2021, and said they may revisit the issue when there is “more certainty.”

The [Association of Village Council Presidents](#), a collection of over 50 Native Alaskan Villages, has instituted a COVID-19 vaccine mandate for all employees. The requirement gives a deadline of January 4, 2022.

On April 2, 2021, the CDC released a new phase of its Framework for Conditional Sailing Order for cruise ships operating or seeking to operate in U.S. waters. Some requirements include regular

testing of crew members, widespread testing capabilities for all passengers, and trip length restrictions. The Order also details how cruise ships can obtain conditional sailing certificates, which allow for the resumption of restricted passenger voyages. The amended Framework for the Conditional Sailing Order for Cruises can be viewed [here](#). However, a federal judge has barred the enforcement of this order at this time.

On September 2, 2021, Governor Dunleavy issued an [Executive Proclamation](#) which amends his call for a special session to include consideration for [House Bill 83](#), and [Senate Bill 67](#). The referenced bills expand the scope of telemedicine in the State, and would enjoin Alaska to the Multistate Nurse Licensure Compact. The special session of the legislature where these bills are being considered is set to conclude on September 14, 2021. As of October 28, 2021, these bills remain under consideration by their respective legislative bodies.

The [Alaska Tourism Restoration Act](#), which allows cruise ships from Washington to Alaska to avoid the normally mandated stop in Canada, was passed by Congress. This allowance will stay in effect as long as Canada upholds its cruise ship ban. Royal Caribbean, Norwegian, and Carnival cruise lines have resumed cruises in Alaska.

Alaska [SB 241](#) was signed into law by Governor Dunleavy on May 18, 2021. The law contains both liability immunity provisions as well as presumed compensability of employment related COVID-19 injuries for the purposes of worker's compensation claims. More specifically, the law provides that the chief medical officer of the Alaska Department of Health and Social Services is provided with immunity for civil damages resulting from any act or omission in connection with a standing order issued to healthcare providers in order to mitigate the virus pandemic. As a corollary, any healthcare provider taking action based upon a standing order issued by the DHSS concerning COVID-19 matters is also entitled to immunity for civil claims resulting from any act or omission connected with the implementation of such a standing order. The immunity does not extend to damages resulting from gross negligence, recklessness, or intentional misconduct.

The law also provides civil immunity to healthcare providers and manufacturers of personal protective equipment resulting from any act or omission in issuing, providing, or manufacturing personal protective equipment issued, provided or manufactured in good faith in response to the pandemic with the qualification that the provider or manufacturer notify the user of the PPE that the equipment may not meet established federal standards and requirements.

Additionally, the law creates a conclusive presumption of compensability for the purposes of worker compensation claims of firefighters, EMTs, paramedics, peace officers, and healthcare providers exposed to COVID-19 in the course of employment resulting in a virus diagnosis by a physician, a presumptive positive COVID-19 test result or a laboratory confirmed COVID-19 diagnosis.

By [Special Order of the Chief Justice No. 8322](#), all civil jury trials are suspended until November 1, 2021. [Special Order of the Chief Justice No. 8340](#) extends this suspension until January 10, 2022, however, presiding judges are allowed to commence in-person trials at their discretion and the request of the parties.



[Special Order of the Chief Justice No. 8352](#) specifies that beginning January 10, 2022, there will no further suspensions of criminal trials excepting extraordinary circumstances. The order also recommends a series of COVID-19 risk mitigation protocols be utilized, but does not require any particular safety measure.

Lastly, on April 30, 2021, the governor signed [H.B. 76](#). The law ensures that Alaskans keep receiving COVID-19 federal relief funds and continues the liability protections for Alaska's businesses. On the same day, the governor issued a [proclamation](#) ending the State's COVID-19 Disaster Declaration.

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*Information for Alaska was updated on December 9, 2021*

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## ARIZONA

### Operative Plans and Orders:

[Executive Order 2021-21: Enhancing Surveillance Advisory](#) (December 15, 2021)  
[Executive Order 2021-18: Returning to Our Principles of Governance](#) (August 16, 2021)  
[Executive Order 2021-12: Resuming Work Search Requirements for Unemployment Recipients](#) (May 3, 2021)

### Relevant Websites:

[Arizona COVID-19 Website](#)  
[Arizona COVID-19 Website](#)  
[ADHS News Releases](#)  
[Executive Orders](#)

**On March 30, 2022 the Arizona COVID-19 Emergency Declaration was lifted by Governor Ducey. ADHS and public health statewide will continue to monitor cases of disease to ensure that they are helping to control and prevent outbreaks. Arizona continues to emphasize all qualified individuals to stay up to date with vaccinations and advises residents to continue wearing masks in indoor public settings in areas of substantial or high transmission.**

As of March 2, 2022, the State continues to advise residents to follow precautions based on the COVID-19 Community Level which are classified as low, medium, or high. The majority of communities in Arizona are being classified as "medium level." In general, face coverings are not required outdoors or in areas where the Community Level is at a low or medium level.

COVID-19 restrictions are being strongly recommended by the State including mask-wearing and staying up to date on vaccinations. Effective January 6, 2022, Arizona has urged masking in indoor public settings for everyone two years and older. Fully vaccinated individuals are recommended to wear masks in indoor public settings where transmission is substantial or high. Additionally, Arizona has opened vaccine eligibility to everyone five years and older. On September 24, 2021, [Arizona made available](#) a third Pfizer vaccine dose to individuals 65 and older, as well as individuals aged 18 to 64 with certain qualifying conditions. Effective March 29, 2022, the FDA and CDC authorized a second booster dose for those ages 50 and older. They also authorized a

second booster for those 12 and older who have compromised immune systems. For both groups authorized for a second booster, the recommendation applies at least four months after the first booster dose.

As of April 7, 2022, Approximately 70.5% of Arizona's residents have been vaccinated against COVID-19.

On December 15, 2021, the governor issued [Executive Order: 2021-21](#). This order provides that no county, city, or town may make or issue any order or rule that required a COVID-19 vaccine. However, health care institutions may require employees to be vaccinated.

All businesses upon reopening must implement certain safety protocols issued by health authorities including maintaining physical distancing, to the extent possible; providing and requiring employees to wear face coverings when possible; providing access to soap and water for handwashing or an alcohol-based hand sanitizer around the premises for use by employees and clients; requiring employees to wash their hands for at least 20 seconds; operate with reduced occupancy and capacity on the size of the business location with special attention to limiting areas where customers and employees can congregate; wipe any pens, counters, or hard surfaces between use and customer; implement comprehensive sanitation protocols including the provision of disinfectant wipes; implement symptom screening for employees, posting signs advising customers and employees of expectations and guidance; contactless check-ins; and employment of touchless payment wherever possible.

Despite the CDC's new mask guidance, the governor indicated that he will not always require mask mandates to be enforced in the State. The governor signed [House Bill 2770](#), which states that businesses are not required to enforce mask mandates imposed by any government entity. The State's Department of Health Services did announce that all people, including those in schools, should wear masks when indoors after the CDC's mask guidance change.

As of May 13, 2021, parents and guardians may begin bringing their children (ages five and older) to state-run sites for Pfizer vaccine vaccination. The State is administering the Pfizer COVID-19 vaccine to anyone five years and older. By FDA approval and guidance, the Moderna and Johnson & Johnson vaccines are only available to individuals ages 18 and older. Additionally, certain immunocompromised individuals are eligible for a third dose of the Pfizer or Moderna vaccine. On January 6, 2022, the FDA and CDC expanded their booster recommendation to include ages 12 and older. The CDC recommends receiving a Pfizer booster dose five months after completion of the primary doses. For the Moderna vaccine, individuals 18 and older are recommended to receive a booster dose six months after completion of primary doses. For the Janssen vaccine, individuals 18 and older are recommended to receive a booster dose two months after the original dose. Additionally, CDC has recommended immune-compromised individuals ages five to 11 years old should receive a booster dose of Pfizer vaccine 28 days after their second shot.

The State is following the CDC's K-12 Operational Strategy for schools to provide in-person instruction safely. The plan includes the universal and correct use of masks and physical distancing. Although masks are not required, they are highly encouraged when physical distancing cannot be maintained. Schools should ensure proper use of masks by educating staff and children

on how to properly wear and store their masks when they are removed. Additionally, staff, teachers, and students five years of age and older can further protect themselves and others through vaccination.

Additionally, [Executive Order 2021-18](#) prohibits local governments from mandating that their employees get vaccinated. This is likely a response to Tucson’s requirement for its city employees to get vaccinated. This executive order expresses the opinion that [A.R.S 36-114](#), which was passed in January 2021, already prohibits vaccine mandates. Despite developing law, Tucson, Arizona has implemented a policy that requires and rewards vaccination in city employees through [City Ordinance No. 11869](#)

Arizona’s largest employer, Banner Health, announced that it will require its 45,000 employees to be vaccinated. To keep working, all employees must be vaccinated before November 1, 2021. The company will make limited exceptions, which have not yet been announced. Other healthcare systems in the State are following this path and mandating vaccines as well.

State lawmakers have passed further legislation, [SB 1377](#), which grants individuals and “providers” immunity from COVID-19-related litigation. Specifically, this bill provides that a person or provider who acts in good faith to protect a customer, student, tenant, volunteer, guest, neighbor, or the public from an injury or death related to the COVID-19 pandemic will not be liable for damages in any civil action. There is an exception, however, if the person or provider failed to act or acted with willful misconduct or gross negligence. There is a presumption that a person or provider acted in good faith if they adopted and implemented reasonable policies or practices, or reasonably attempted to comply with federal or state-provided guidance. Importantly, “provider” means a person who furnishes consumer or business goods or services or entertainment; an educational institution or district; a school district or charter school; a property owner, property manager, or property lessor or lessee; a non-profit organization; a religious organization; the state or an agency or instrumentality of the state; a local government or political subdivision of the state; a service provider; a health professional; or a healthcare institution. The governor approved this bill on April 5, 2021. This bill applies retroactivity to March 11, 2020.

Governor Doug Ducey issued [Executive Order 2021-12](#) titled “Resuming Work Search Requirements for Unemployment Recipients,” which rescinded a previous executive order ensuring that people whose jobs were affected by COVID-19 had access to unemployment insurance. The order asserts that people may continue receiving unemployment insurance while actively seeking work and cites both vaccination progress and the long-standing work search requirement as reasons. The order went into effect on May 3, 2021.

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*Information for Arizona was updated on April 20, 2022*

## ARKANSAS

### Operative Plans and Orders:

[Executive Order 20-43](#) (July 16, 2020)

[Executive Order 20-33](#) (June 15, 2020)

[Executive Order 20-03](#) (March 11, 2020)

### **Relevant Website:**

[Department of Health COVID-19 Directives](#)  
[Arkansas Ready for Business](#)

**Since February 26, 2021, all capacity limits on businesses and large gatherings are only recommendations. There is no mask mandate in the state of Arkansas and, as of July 2021, the vast majority of state and local officials are actually prevented from mandating masks. All Arkansas residents over the age of 16 are currently eligible for the COVID-19 vaccine.**

### **Statewide General Restrictions**

Most Arkansas school districts enforce mask mandates in response to surging cases of the Delta variant. During a news conference on October 19, 2021, Gov. Asa Hutchinson said the new protocol would change the definition of a “close contact” in a school setting from being within 6 feet of a person with a positive case of COVID-19 for 15 minutes to being within 3 feet of such an individual.

Officials also announced that test-to-stay protocols could now also apply to extracurricular activities and not just the school day.

On September 28, 2021, the state of emergency within Arkansas was allowed to expire.

### **Vaccine:**

All individuals 18 and above in Arkansas are eligible to get vaccinated with either the Pfizer, Moderna or Johnson and Johnson Vaccine. Residents between the age of 12-18 are allowed to receive the Pfizer vaccine. As of March 2022, children 5-11 are available to get the Pfizer Vaccine.

As of March 3 2022, 54% of Arkansans are fully vaccinated.

### **COVID-19 Legislation**

[SB 590](#) passed both chambers of the Arkansas General Assembly in April 2021. The law prevents state and local officials and entities from ordering a face mask mandate, but does not affect private businesses, health care facilities, correctional facilities or facilities operated by the Department of Human Services' Division of Youth Services. The ban does not affect the ability of state and local officials and entities to recommend using a face mask but requires them to "provide notice that the recommendation is not mandatory." On August 6, 2021, An Arkansas circuit judge temporary blocked the enforcement of the law, allowing for masks to be mandated in schools again. As of September 2, 2021, most Arkansas school districts are enforcing mask mandates in response to surging cases of the Delta variant.

On April 13, 2020, Governor Hutchinson issued [Executive Order 20-18](#), which provides immunity from liability for emergency responders from COVID-19 related claims. Emergency responders under the order include physicians, physician assistants, specialist assistants, nurse practitioners, licensed registered nurses, and licensed practical nurses who work for private, governmental, or

non-profit entities. The order does not extend immunity for deaths or injuries resulting from acting outside the scope of practice or resulting from gross negligence, willful misconduct, or bad faith.

In addition, on June 15, 2020, the Governor issued [Executive Order 20-33](#), which provides businesses with immunity from liability related to COVID-19 claims. The order states that all businesses and their employees will be immune from civil liability due to COVID-19 related claims with the exception of those claims resulting from “willful, reckless, or intentional misconduct.” This immunity does not extend to worker compensation benefits.

On April 28, 2021, Governor Hutchinson signed into law Act 977, which prevents state and local governments from requiring proof of vaccination as a condition of employment or to access goods and services. The ban on requirements related to employment has some exceptions, including state-owned medical facilities.

Arkansas Governor Asa Hutchinson on October 13, 2021, effectively approved a new law that will allow employees to opt-out of COVID-19 vaccine requirements, a move by fellow Republicans to challenge federal vaccine mandates. Hutchinson allowed the measure to become law without his signature despite his concerns about the impact it will have on businesses in the state. The new law won’t take effect until early next year.

On April 30, 2021, Act 1030 was signed into law and prohibits state and local governmental entities from requiring vaccine passports for any use, including travel, education, employment or receipt of services.

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*Information for Arkansas was updated on March 3, 2022*

## CALIFORNIA

***Editor’s Note: California’s response to the COVID-19 pandemic is unique as compared to the rest of the Union. The State’s size, population composition, and layers of government authority make it impossible to formulate one comprehensive response plan. Accordingly, California’s reopening strategy is comprised of multiple tiers. Reopening of a specific location within California will be governed by the state, county, and municipal orders. Standards among the three levels of government typically vary and conflict. This is because, under California law, individual counties and cities are free to adopt more stringent curbs on social and economic activity during states of emergency. California residents, therefore, are cautioned to adhere to the most restrictive standards applying to their specific location. What follows is a review of California’s most prominent reopening plans.***

### Operative Plans and Orders:

[COVID19.ca.gov](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19.aspx)

[Executive Order N-07-21](#) (June 11, 2021)

[Executive Order N-08-21](#) (June 11, 2021)

[Guidance for the Use of Face Coverings](#) (June 15, 2021)

[CA Public Health Officer Order](#) (June 11, 2021)



[California to Debate Mandating COVID vaccines](#)

(February 11, 2022)

[New COVID Response Plan: SMARTER](#)

(February 17, 2022)

**Contra Costa County:**

[Contra Costa Health Orders Website](#)

[Contra Costa County Opening at a Glance](#)

**City of Walnut Creek:**

[Walnut Creek COVID-19](#)

**Los Angeles County:**

[Los Angeles County COVID-19 Website](#)

[Safer in L.A. Order](#)

**City of Los Angeles:**

[COVID-19 Signage for Offices/Co-Working Spaces](#)

[General COVID-19 Signage for Los Angeles Businesses](#)

[Reopening County Beaches](#)

[County of Los Angeles Roadmap to Recovery](#)

[Resources](#)[COVID-19 Orders](#) (City of Los Angeles)

[City of Los Angeles Tools for Offices](#)

**Orange County:**

[Orange County COVID-19 Website](#)

[Orange County Press Releases 2020](#)

**City of Irvine:**

[City of Irvine COVID-19 Website](#)

[City of Irvine Executive Orders and Resolutions COVID-19](#)

**San Francisco City/County:**

[San Francisco Reopening Website](#)

[SF Department of Public Health COVID-19 Health Orders](#)

**City of San Francisco:**

[Mayoral Declarations Regarding COVID 19](#)

[San Francisco Health Orders Website](#)

**The State Level**

**On February 17, 2022, California announced its ‘SMARTER’ plan, which will shift the State’s COVID-19 approach to focus on learning to live with the coronavirus. Currently, only unvaccinated persons are required to mask in all indoor public settings. Fully vaccinated individuals are recommended to continue indoor masking when the risk may be high. There are currently no county tiers, capacity limits, or physical distancing requirements. All California residents five years and older are eligible to receive a COVID-19 vaccine.**

On February 17, 2022, California Governor Gavin Newsom announced the ‘[SMARTER’ Plan](#) as the “next phase” of the COVID-19 pandemic. The plan is an acronym for the State’s seven priorities moving forward: “Shots, Masks, Awareness, Readiness, Testing, Education, and Rx.” The focus of the new plan is to learn to live with the coronavirus. California had been among the strictest states in imposing COVID-19 health mandates. However, the governor is now adjusting

his approach as Americans are willing to tolerate the risk and seek a return to normalcy. For instance, California's mask mandate for indoor businesses expired on February 18, 2022, and Governor Newsom has previewed a shift in strategy to lift the state mandate for masks in schools.

The State has reinstated COVID-19 restrictions as of January 15, 2022. There are no county tiers, capacity limits, or physical distancing requirements. The State has updated its mask guidance to match the CDC's guidance. Masks are strongly recommended in indoor public settings, K-12 schools, and childcare facilities. Mask mandates for public transit and healthcare facilities will continue to be imposed until further notice. Individuals may access their vaccination records digitally through a [website](#) launched by the State. For updated face-covering guidance, see [here](#).

As of April 7, 2022, masks are no longer required indoors in California, with a few exceptions including public transportation. The State will continue to strongly recommend mask wearing.

"Mega-events," are defined as having more than 1,000 people indoors or 10,000 people outdoors. For outdoor mega-events, it is strongly recommended for attendees to provide either proof of full vaccination or a negative COVID-19 test within 48 hours of the event start time. Effective April 1, 2022, requirements for vaccine verification or proof of negative test for indoor mega-events will be lifted and move to a strong recommendation. This is due in large part to the declining COVID-19 cases and hospitalizations across the state. Masking for both indoor and outdoor mega-events will follow the CDPH guidance for face coverings. Additionally, there are no capacity limitations or physical distancing requirements.

The Omicron variant is the most dominant strain of COVID-19 in the State, making up over 80% of cases. As of April 8, 2022, approximately 84.0% of California's residents have been fully vaccinated against COVID-19.

Some workplaces may require workers to verify that they are fully vaccinated or regularly tested for COVID-19. Masking at work is strongly recommended for everyone indoors. Some workers must wear masks in certain sectors including healthcare, public transit, and correctional facilities.

By March 1, 2022, all healthcare workers were required to be vaccinated for COVID-19. Exceptions only would be made for those with conflicting religious beliefs or qualified medical reasons. Workers who are not vaccinated must wear a mask and be tested regularly. State employees must verify that they are fully vaccinated or get tested regularly for COVID-19 and wear a mask.

Assembly Bill 1993 went into effect on February 10, 2022. The bill imposed a COVID-19 vaccine mandate at all workplaces. This made California the first state in the country to impose COVID-19 vaccine mandates in the workplace. The bill also removed testing option alternatives. The mandate applies to workplaces of all sizes and will continue to allow exceptions for medical or religious reasons. New hires will be required to have at least one dose by their start date and a second dose within 45 days. The bill has yet to specify requirements on booster shots. The mandate will be in effect until the CDC determines that vaccines are no longer necessary.

On January 21, 2022, Senator Scott Wiener introduced Senate Bill 866 which would allow children 12 and older to receive vaccinations without their parent's consent. Under existing law, individuals ages 12 through 17 cannot be vaccinated without parental consent, unless the vaccine is specific to prevent a disease that is sexually transmitted. Looking forward, Senate Bill 871 by Senator Richard Pan is also in process and would require all schoolchildren to be vaccinated starting in 2023. If approved, it will be the strictest student mandate in the country. Assembly member Akilah Weber has also introduced legislation that would give school districts access to the State's immunization registry to check whether a student is vaccinated. The bill is scheduled to go through committee hearings in the spring.

In anticipation of difficulties to come with the winter months, Governor Newsom issued [Executive Order 21-21](#) to support health care facilities and ensure proper staffing. The Order extends provisions that allow out-of-state health care workers to provide services in California and continues the allowed flexibility for health care facility plans.

The Cal/OSHA board unanimously adopted emergency temporary standards on COVID-19 prevention in the workplace. This advises employers to follow its general and industry-specific guidance on various measures to implement to minimize the risk of employees' exposure to COVID-19. Masks will be required indoors regardless of vaccination status, but not required outdoors. Masks are required for workers not fully vaccinated who work indoors or in vehicles. Both vaccinated and unvaccinated individuals are not required to wear masks when working outside. Physical distancing requirements also have been lifted. These protocols went into effect on January 31, 2022.

California became the first state to announce that it would [require vaccination for all students over the age of 12](#). On October 1, 2021, the Governor directed the Department of Public Health to follow the normal procedures to add the COVID-19 vaccine to the list of required immunizations for schools. Under current standards, the vaccine will be required for grades K-12 starting on July 1, 2022.

Current [California Department of Public Health guidelines](#), as of January 20, 2022, require all K-12 students to wear masks while indoors. Students who have a medical exemption to the mask requirement must wear a non-restrictive alternative face covering, such as a face shield, as their condition permits. California is still not implementing any physical distancing requirements. All adults must wear a mask when sharing an indoor space with students. The mask mandate will also apply to sports, band, chorus, and clubs. Students, if eligible, will be required to get vaccinated to come to school. Teachers and school staff must verify they are fully vaccinated or get tested regularly for COVID-19.

Day camps and other youth activities are still required to follow sections of the State's previous school guidance. One section, [Layers of Safety](#), features information on cleaning protocols, ventilation, training, and interactions. Another portion that must be followed is about what to do when there are [confirmed or suspected COVID-19 cases](#). Finally, the regulations for school [closures](#) apply to camps and other youth activities.

The Los Angeles Angels, Los Angeles Dodgers, Oakland Athletics, San Diego Padres, San Francisco Giants each have their stadiums at full capacity.

The State noted that it will continue to follow the CDC's travel requirements on international travel and mask-wearing.

California has not enacted any civil liability immunity legislation concerning COVID-19 claims. On May 6, 2020, the Governor signed [Executive Order N-62-20](#), which established a temporary rebuttable presumption for worker's compensation claims that employees working outside of their homes who contract COVID-19 did so as a result of their employment. The rebuttable presumption standard expired on July 5, 2020. However, the legislature is currently debating a bill that would codify the presumption and extended it through January 1, 2024.

The governor signed [AB 1867](#) on September 10, 2020, which provides 80 hours of paid sick leave for eligible employees of employers with 500 or more employees nationwide and for healthcare or emergency responders who had been previously exempt from paid sick leave under the Family First Coronavirus Response Act. Moreover, food employees in any food establishment must be permitted to wash their hands every thirty minutes or as needed.

On September 17, 2020, the governor signed a trio of bills, [S.B. 1159](#), [S.B. 1383](#), and [A.B. 685](#), that impose new requirements for employers and provide employees with more benefits and protections. Although S.B. 1159 took effect immediately, S.B. 1383 and A.B. 685 did not take effect until January 1, 2021. S.B. 1159 creates a presumption that certain covered workers' illnesses or death from COVID-19 are work-related and entitles these employees to workers' compensation. This places the burden on employers to rebut this presumption. A.B. 685 requires employers to notify workers within one business day of receiving notice of potential exposure to COVID-19. Moreover, employers are required to notify local health officials within 48 hours if the number qualifies as an "outbreak." Finally, employers must also maintain records of written notices of potential COVID-19 exposures for at least three years. S.B. 1383 requires businesses with five employees or less to hold employees' jobs for twelve weeks while they take family or medical leave.

The governor signed [S.B. 95](#) that provides for COVID-19 supplemental paid sick leave for covered employees who are unable to work or perform telework due to certain reasons related to COVID-19, including that the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. This bill entitles a covered employee to 80 hours of COVID-19 supplemental paid sick leave if that employee either works full-time or was scheduled to work, on average, at least 40 hours per week for their employer in the two-week preceding the date the employee took COVID-19 supplemental paid sick leave. A "covered employee" means an employee who is unable to work or perform telework for an employer due to COVID-19 related reasons. An "employer" for purposes of this bill means is one that has more than 25 employees.

On April 16, 2021, the governor signed [S.B. 93](#), which creates California Labor Code Section 2810.8 and requires that employers in certain industries make written job offers to employees whom they laid off because of COVID-19. Employees have five business days to respond and, if more than one employee responds, the employer must award the job by seniority. This bill took effect immediately and expires on December 31, 2024. Covered employers under this bill include hotels with 50 or more guest rooms; private clubs; publicly or privately owned event centers; airport hospitality operations; airport service providers; and employers that provide "janitorial,

building maintenance, or security services” to office, retail, or other commercial buildings. Covered employees include people who worked two hours or more per week for a covered employer; been employed by a covered employer for six months or more in the twelve months preceding January 1, 2020; and been “separate[ed] from active service . . . due to a reason related to the COVID-19 pandemic, including a public health directive, government shutdown order, lack of business, a reduction in force, or other economic, no disciplinary reason related to the COVID-19 pandemic.”

Currently, all individuals five years and older are eligible to receive a COVID-19 vaccine regardless of insurance or immigration status. The State is administering the Pfizer COVID-19 vaccine to anyone five years and older. By FDA approval and guidance, the Moderna and Johnson & Johnson vaccines are only available to individuals ages 18 and older. Residents who are immunocompromised are now eligible for a third dose of the Pfizer or Moderna vaccine. Residents can use [MyTurn.ca.gov](https://myturn.ca.gov) as the main source to sign up for appointments. As of April 5, 2022, the CDC recommends a second booster for people over 50, those who are immune compromised, and those who got the Johnson & Johnson vaccine.

Following the [Western States Scientific Safety Review Workgroup](#) determination, California began administering booster shots for all three vaccine manufacturers on October 22, 2021. The “mix-and-match” method was also approved. As of November 16, 2021, everyone over the age of 18 who is fully vaccinated is [eligible for a COVID-19 booster shot](#).

Through a joint statement, the Health and Human Services Secretary and the State Public Health Officer authorized vaccine providers to begin administering the Pfizer COVID-19 vaccine to [children aged 5 to 11](#) on November 3, 2021. California was given an initial allotment of 1.2 million doses of the vaccine appropriate for children in this age range.

In regards to vaccination efforts, the California Department of Fair Employment and Housing (DFEH) issued updated vaccination requirement [guidance](#) on January 20, 2022. The guidance allows employers to mandate employee vaccination for FDA-approved vaccines, with certain exceptions and requirements, or be regularly tested for COVID 19. In such a policy, employers may not discriminate or harass based on a protected characteristic under the Fair Employment and Housing Act, which includes age, sex, race, disability, and religion. There must be reasonable accommodations for disabilities and religious beliefs, and employers may not retaliate against employees asking for such accommodations.

California [obtained a stipulated judgment with Amazon](#) on November 16, 2021, about the claim that Amazon had been hiding positive COVID-19 cases from its employees. The settlement requires that Amazon pay a \$500,000 penalty and submit to the Attorney General’s Office monitoring COVID-19 notifications. Amazon also guaranteed that it would end the practice of issuing insufficient safety plans and rights notices and begin sending notifications with exact numbers of COVID-19 cases within one day of discovery.

As of March 22, 2022, [the Golden 1 Center](#), the home of the Sacramento Kings, in compliance with State health and safety guidelines, recommends, but does not require, fans to wear masks while in the arena. Starting April 1, 2022, the CDPH strongly recommends that all fans and guests



are fully vaccinated or have a negative COVID-19 test before entering Golden 1 Center. Proof of testing or vaccination status is not required.

### **The County Level**

**Orange County:** Effective February 16, 2022, masking mandates have lifted and will only be required in specified settings, including public transit, healthcare, emergency shelters, jails, and homeless shelters. Only unvaccinated persons are required to mask in all indoor public settings. Fully vaccinated individuals are recommended to continue indoor making when the risk may be high.

The OC Health Care Agency recommends continued indoor masking against COVID-19. Although cases and hospitalizations have decreased, a California-based study reports that wearing a mask in indoor public settings reduces the risks of testing positive for COVID-19. The Agency highly encourages all residents to be making consistent masking efforts to help contribute to declining cases.

The County is following the State's Prevention Emergency Temporary Standards effective January 14, 2022. In addition to these requirements, the latest order from the California Department of Health will require the use of face-covering by all employees in certain settings. Effective February 16, 2022, universal masking will remain required in only specified settings. Only unvaccinated persons are required to mask in all indoor public settings. Fully vaccinated individuals are recommended to continue indoor masking when the risk may be high.

Orange County is following CDC updates to allow certain immune compromised individuals and those over the age of 50 who received an initial booster dose at least four months ago to be eligible for another booster to increase their protection against COVID-19.

As of March 11, 2022, the universal masking requirement for K-12 and childcare settings has ended. Masks, however, are still strongly recommended.

### **Los Angeles County:**

Effective April 15, 2022, LA County will follow the updated Quarantine Order, which modifies the quarantine requirement for asymptomatic close contacts in the general public. Regardless of vaccination status or recent history with prior infection, asymptomatic close contacts who are not living or working in a high-risk setting are not required to quarantine. However, asymptomatic individuals should still wear a highly protective mask when indoors around others, for a total of 10 days after the last contact with a person infected with COVID-19. The individual should also test as soon as possible to determine their infection status, if they test positive they must follow the Public Health's isolation requirements.

On March 31, 2022, a highly infectious BA.2 sub variant was reported in LA County. The Center for Disease Control and Prevention estimated that BA.2 is now the dominant variant in the U.S. accounting for approximately 55% of sequenced cases. While there are not yet increases in cases or hospitalizations in LA County, given the increased risk for spread of BA.2 it is important to

take steps to maximize protection against the spread. LA County recommends residents to continue to follow all safety precautions, especially those who are at elevated risk of severe illness. Due to new variant, on April 6, 2022, LA County has expanded its access to their “Test to Treat” program which includes accessibility to oral therapeutics which have been found effective against Omicron sub variants BA.1 and BA.2.

Los Angeles County rules is following the State’s guidance for wearing masks. Masks are now strongly recommended in most indoor public places for everyone two years of age and older. The County’s current CDC community level is low meaning that there are fewer than 200 new COVID-19 cases within seven days. Businesses and venues that verify vaccination status or negative test results may allow people who are fully vaccinated to choose whether to wear a mask or not indoors.

Given the County is now at the low community risk level the [Health Office Order](#) updated the County’s masking guidance. Effective March 4, 2022 indoor masking will no longer be required, but strongly recommended for everyone despite vaccination status. Some federal or state regulations can continue to require masking. Masking will continue to be required while indoors at all schools until March 12, 2022. After that date, masking will be strongly recommended for all students, staff, teachers, and visitors while indoors.

The County is following the State’s Prevention Emergency Temporary Standards effective February 16, 2022, universal masking will only be required in specified settings. Only unvaccinated persons are required to mask in all indoor public settings. Fully vaccinated individuals are recommended to continue indoor making when the risk may be high.

Effective January 14, 2022. The County suggests all employers and employees [reference those guidelines](#) to reduce workplace exposures and support in responding to COVID-19 cases in non-healthcare and non-residential workers.

L.A. County is operating in accordance with the [Responding Together at Work and In the Community, Order](#) amended on January 10, 2022, mainly to align the isolation and quarantine requirements with the State Public Health Officer’s revision. Schools and employers should consult ETS and ATD regulations for additional applicable requirements. The Order was amended on March 23, 2022, to align with the March 17, 2022 State Public Health Officer Guidance for Mega Events. Effective April 1, 2022 the requirement for pre-entry vaccine verification or proof of a recent negative test result for attendees of indoor Mega Events will be lifted and moved to a strong recommendation.

The County of L.A. [updated its Travel Advisory](#) on November 4, 2021. While full vaccination and other precautions are still advised, Los Angeles is no longer enforcing any travel restrictions. The advisory was again [updated on December 4, 2021](#). Effective December 6, 2021, all travelers arriving from foreign countries must present a negative COVID-19 test taken no more than one day before the departure of the flight to the United States. Updated March 14, 2022, CDC has lowered the cruise ship COVID-19 Travel Health Notice from Level 3 (high) to Level 2 (moderate) for cruise ship travelers. Additionally, on March 21, 2022, the guidance was updated to align with CDC statement that persons who have tested positive for COVID-19 may not travel for a full 10

days after their symptoms started (or after the date of the first positive test if they had no symptoms).

[All vaccine manufacturers](#) are now approved to administer a third dose (second for Johnson and Johnson) to eligible individuals.

As of [August 19, 2021](#), all schools in the County are fully open for the fall academic term. However, the County is continuing to offer online options for attendance.

All institutions of higher learning in L.A. County [are required to ensure](#) that all students have access to COVID-19 testing.

The City of Pasadena will require its employees to be vaccinated. Officials are still working on a plan to implement this policy. Los Angeles will enact a similar mandate for city employees.

On March 16, 2022, the County of L.A. updated its isolation and quarantine orders. [The updated isolation order](#) requires anyone who has tested positive regardless of vaccination status, to self-isolate for five days. These individuals are highly recommended to continue to wear a highly protective mask around others for a total of 10 days after the positive test or the first full day after your symptoms developed. Individuals must also inform all of their close contacts of the positive test or clinical suspicion.

The [updated quarantine order](#) requires non-vaccinated individuals who have been in close contact with someone who has tested positive for COVID-19 to self-quarantine for 10 days and monitor their health for 14 days. These individuals must also inform the Department of Public Health of their contact and quarantine. Vaccinated adults, or those who have recovered from COVID-19 in the last 90 days, are not required to quarantine or report, but they must still be health monitor for 14 days. The Quarantine Order was [further updated on September 22, 2021](#). The update provides that there may be some options for TK-12 students to engage in a modified quarantine which allows engagement in some in-person academic activities. The update also allows quarantine to end after day seven, instead of day 10 if one can provide a negative test taken five days or more after close contact. The [Quarantine Order was again updated on November 8, 2021](#). The revision narrows the scope of what is considered close contact.

The County highly recommends all individuals to wear masks at “outdoor mega-events,” and requires proof of vaccination or a negative diagnostic test for indoor mega-events. This requirement applies to both vaccinated and unvaccinated individuals. To constitute a mega-event, there must be over 10,000 people for outdoor events or 1,000 people for indoor events.

### **Bay Area Counties:**

All of these counties, with the exception of Santa Cruz and the addition of Sonoma, reinstituted mask mandates. Effective February 16, 2022, universal masking will be eased. Only unvaccinated persons are required to mask in all indoor public settings. Fully vaccinated individuals are recommended to continue indoor masking when the risk may be high.

Effective April 15, 2022, Bay Area Counties are following the updated Quarantine Order, which modifies the quarantine requirement for asymptomatic close contacts in the general public. Regardless of vaccination status or recent history with prior infection, asymptomatic close contacts who are not living or working in a high-risk setting are not required to quarantine. However, asymptomatic individuals should still wear a highly protective mask when indoors around others, for a total of 10 days after the last contact with a person infected with COVID-19. The individual should also test as soon as possible to determine their infection status, if they test positive they must follow the Public Health's isolation requirements.

### Contra Costa County:

Contra Costa is transitioning into a new phase of the pandemic. As of April 7, 2022, State health officials no longer recommend quarantine for most asymptomatic people exposed to someone with COVID-19, regardless of vaccination status.

In alignment with the State, the County lifted universal mask requirements for vaccinated people on February 16, 2022. This new progression is a result of the rapid drop of COVID-19 cases and hospitalizations around the State and region. Businesses, venue operators, and hosts may determine their own requirements to protect staff and may choose to require all patrons to wear masks.

Masking requirements in K-12 Schools and childcare settings will end after March 11, 2022. As the number of COVID-19 cases and hospitalizations rates continue to rapidly decline, masks will no longer be required but are strongly recommended. However, school districts may still choose to require indoor masking even though the state is no longer mandating it. School staff and students also may choose to continue to wear masks if they feel safer doing so.

The County is following the California Department of Public Health's updated school guidance. Colleges and other higher education institutions may offer indoor lectures, and elementary and secondary schools may reopen for in-person learning. Every local educational agency (school district, county office of education, and charter school) and private school must notify the local public health department of a positive COVID-19 test of a student or employee who was present on a K-12 campus within 10 days before the positive test. Moreover, every local educational agency and private school must provide biweekly updates about in-person instruction status to the CDPH. For more information on school reopening, please see the State's updated guidance explained above. For Contra Costa specific school-related guidance, please see [Contra Costa Information for Schools and Childcare](#).

Effective January 6, 2022, Contra Costa County implemented Health [Order No. HO-COVID19-58](#). The order maintains the requirement for people who have come into contact with individuals who have tested positive for COVID-19 to quarantine for 10 days but allows early exit from quarantine if the person obtains a negative test on their fifth day of quarantine.

In an effort to increase vaccinations, health officials announced plans to organize mobile vaccination clinics at middle schools and high schools in the county. These began May 18, 2021, and are rotating among the county's schools.

Effective March 30, 2022, second booster doses will be available for Contra Costa residents who are 50 years old and older, or who are immunocompromised by certain health conditions. The FDA has authorized second booster doses of the Moderna or Pfizer vaccines for people in these groups after at least four months have passed since their first booster.

[Health Order No.HO-COVID19-53](#) requires that all Contra Costa County emergency personnel be vaccinated by August 13, 2021, or submit to regular testing requirements. This order was amended December 27, 2021, to now require proof of COVID-19 vaccination and booster doses for all first responders in high-risk jobs. These include Law Enforcement Agencies, Fire Protection Agencies, Emergency Medical Response Entities, and Non-Emergency Medical Transport Entities. Additionally, beginning January 10, 2022, workers at these facilities and homeless shelters are required to prove they are fully vaccinated and have received a COVID-19 vaccine booster or undergo weekly testing.

### **San Francisco County:**

San Francisco County is following the State's updated Quarantine Order. Effective April 15, 2022, quarantine requirement for asymptomatic close contacts in the general public. Regardless of vaccination status or recent history with prior infection, asymptomatic close contacts who are not living or working in a high-risk setting are not required to quarantine. However, asymptomatic individuals should still wear a highly protective mask when indoors around others, for a total of 10 days after the last contact with a person infected with COVID-19. The individual should also test as soon as possible to determine their infection status, if they test positive they must follow the Public Health's isolation requirements.

The County followed the State's lead on February 16, 2022, in lifting universal masking to only be required in specified settings. However, the County strongly recommends mask-wearing in public indoor settings, especially for unvaccinated people. San Francisco also issued an [Order](#) allowing minors to consent to receive the COVID-19 vaccine and allowing vaccine providers in the County/City to rely on that consent.

Proof of vaccination may be required for individuals ages 12 and older for entry into bars, restaurants, clubs, gyms, any business or event serving food or drinks indoors or where elevated breathing occurs as well as large indoor events up to 1,000 people.

On February 16, 2022, the Safer Return Together Health Order went into effect. This order replaces [Order No. C19-07y](#) in its entirety. The Order aims to lift most pandemic requirements such as capacity limits, physical distancing, and masking requirements for most businesses and activities. It also allows businesses, schools, and other activities to fully resume. The Order strongly urges all individuals in San Francisco to be up-to-date on vaccinations. The order also requires all persons working in designated high-risk settings to be both vaccinated and boosted as soon as they are eligible. This order was updated on March 2, 2022, to align with the updated CDPH masking rules including strongly encouraging everyone regardless of vaccination status to continue wearing masks in indoor public settings. The order was updated again on March 10, 2022, to remove the requirement for "Covered Businesses." This previously required indoor gyms, fitness centers, bars, restaurants, and other facilities to require proof that patrons and staff be vaccinated or have a



negative test before entry. The elimination of the requirement will align this Order with the State as to health rules that apply to businesses. This order still strongly encourages such businesses to require that patrons and staff provide proof that they are up-to-date on vaccinations.

The Department of Health [amended its guidance for K-12 schools](#) on February 11, 2022, to eliminate mask requirements in most outdoor settings. The order also clarified that unvaccinated individuals who have had COVID 19 in the past 90 days are exempt from the asymptomatic screening testing for 90 days from the date of infection. This guidance was updated March 11, 2022, to lift the masking requirement to a strong recommendation, regardless of vaccination status for both students and staff. Masking is now strongly recommended, and no longer required on school buses or vans.

Effective February 16, 2022, universal masking will only be required in specified settings. Only unvaccinated persons are required to mask in all indoor public settings. Fully vaccinated individuals are recommended to continue indoor making when the risk may be high.

As of February 1, 2022, the County revised the requirement for patrons and personnel attending indoor mega-events to allow for proof of a negative test as an alternative to being up-to-date on vaccinations, allows religious and medical exceptions in select settings and reinstates the exemption from the universal indoor mask requirement for stable groups in certain indoor settings.

### [The City Level](#)

[City of Irvine](#) Effective March 1, 2022, the requirement that unvaccinated individuals wear masks in indoor public settings will move to a strong recommendation that all persons, regardless of vaccine status, continue indoor masking. The City of Irvine's Emergency Ordinance remains in place, which requires any visitor to a city facility must wear a face-covering until further notice. The City will require its employees to get vaccinated or submit to weekly COVID-19 testing.

### [City of Los Angeles:](#)

Effective April 15, 2022, the City of Los Angeles will follow the updated Quarantine Order, which modifies the quarantine requirement for asymptomatic close contacts in the general public. Regardless of vaccination status or recent history with prior infection, asymptomatic close contacts who are not living or working in a high-risk setting are not required to quarantine. However, asymptomatic individuals should still wear a highly protective mask when indoors around others, for a total of 10 days after the last contact with a person infected with COVID-19. The individual should also test as soon as possible to determine their infection status, if they test positive they must follow the Public Health's isolation requirements.

On March 31, 2022, a highly infectious BA.2 sub variant was reported in the City of Los Angeles. The Center for Disease Control and Prevention estimated that BA.2 is now the dominant variant in the U.S. accounting for approximately 55% of sequenced cases. While there are not yet increases in cases or hospitalizations in the City of Los Angeles, given the increased risk for spread of BA.2 it's important to take steps to maximize protection against the spread. The City recommends

residents to continue to follow all safety precautions, especially those who are at elevated risk of severe illness.

The Health Office Order updated the County's COVID-19 guidance given the City is now at the low community risk level. Effective March 4, 2022 and updated April 2, 2022, the City released the [Safer L.A. Public Order](#) which aims to continue to place certain safety requirements on individuals at higher-risk settings consistent with federal and state rules. The order emphasizes that although indoor masking will no longer be required, it is strongly recommended for all residents despite vaccination status. Masks will be required when entering: public transit, K-12 schools, and childcare facilities, healthcare settings, correctional facilities, and homeless shelters. Some federal or state regulations can continue to require masking. Masking will continue to be required while indoors at all schools until March 12, 2022. After that date, masking will be strongly recommended for all students, staff, teachers, and visitors while indoors.

Los Angeles County rules for wearing masks are now following that of the State's. Masks are now strongly recommended in most indoor public places for everyone two years of age and older. The County's current CDC community level is low meaning that there are fewer than 200 COVID-19 cases within seven days. Businesses and venues that verify vaccination status or negative tests may allow people who are fully vaccinated to choose whether to wear a mask or not indoors.

The County is following the State's latest order from the California Department of Health. Effective February 16, 2022, only unvaccinated persons are required to mask in all indoor public settings. Fully vaccinated individuals are recommended to continue indoor masking when the risk may be high. The City has also taken measures in response to the economic fallout of the pandemic by banning all evictions of residential and commercial tenants who cannot pay rent due to the financial impacts caused by COVID-19.

The LA City Council approved, and Mayor Garcetti signed, an ordinance that [requires proof of vaccination to enter many indoor venues](#) such as restaurants, malls, theaters, and hair salons.

As referenced above, the City will require its employees to either be vaccinated or get tested weekly under a plan similar to that of the State. The County highly recommends all individuals to wear masks at "outdoor mega-events," and requires proof of vaccination or a negative diagnostic test for indoor mega-events. This requirement applies to both vaccinated and unvaccinated individuals. To constitute a mega-event, there must be over 10,000 people for outdoor events or 1,000 people for indoor events. This guidance was amended on March 23, 2022, to align with the March 17, 2022 State Public Health Officer Guidance for Mega Events. Effective April 1, 2022, the requirement for pre-entry vaccine verification or proof of a recent negative test result for attendees of indoor Mega Events was lifted and moved to a strong recommendation.

The City of L.A. passed the [Safer in L.A. Order](#) on August 21, 2021. This order imposes additional masking requirements on top of the state mandate the City of L.A. is complying with. The order requires masks to be worn by everyone in the following circumstances: (i) On public transit, (ii) In transportation hubs, (iii) Indoors in K-12 schools, childcare, and other youth settings, (iv) Healthcare settings, (v) State and local correctional facilities and detention centers, (vi) Homeless

shelters, emergency shelters, and cooling centers, (vii) Outdoor mega-events (viii) All indoor public settings.

The Safer in L.A. Order also requires all businesses to post signs notifying the public of the mask requirement at all entrances. It further declares that no person may be prevented from wearing a mask as a condition of entry or participation in a business.

### City of San Francisco:

Effective April 15, 2022, the City of San Francisco will follow the updated Quarantine Order, which modifies the quarantine requirement for asymptomatic close contacts in the general public. Regardless of vaccination status or recent history with prior infection, asymptomatic close contacts who are not living or working in a high-risk setting are not required to quarantine. However, asymptomatic individuals should still wear a highly protective mask when indoors around others, for a total of 10 days after the last contact with a person infected with COVID-19. The individual should also test as soon as possible to determine their infection status, if they test positive they must follow the Public Health's isolation requirements.

As mentioned above, the City is following the latest order from the California Department of Health that will require the use of face-covering by all employees in certain settings. Effective February 16, 2022, universal masking will only be required in specified settings. Only unvaccinated persons are required to mask in all indoor public settings. Fully vaccinated individuals are recommended to continue indoor making when the risk may be high. However, the City strongly recommends all individuals regardless of vaccination status wear masks in public indoor settings, especially for unvaccinated people.

On February 16, 2022, the Safer Return Together Health Order went into effect. This order replaces [Order No. C19-07y](#) in its entirety. The Order aims to lift most pandemic requirements such as capacity limits, physical distancing, and masking requirements for most businesses and activities. It also allows businesses, schools, and other activities to fully resume. The Order strongly urges all individuals in San Francisco to be up-to-date on vaccinations. The order also requires all persons working in designated high-risk settings to be both vaccinated and boosted as soon as they are eligible. This order has been updated on March 2, 2022, to align with the updated CDPH masking rules including strongly encouraging everyone regardless of vaccination status to continue wearing masks in indoor public settings. The order was updated again on March 10, 2022, to remove the requirement for "Covered Businesses." This previously required indoor gyms, fitness centers, bars, restaurants, and other facilities to require proof that patrons and staff be vaccinated or have a negative test before entry. The elimination of the requirement will bring this Order into alignment with the State as to health rules that apply to businesses. This order still strongly encourages such businesses to require that patrons and staff provide proof that they are up-to-date on vaccinations.

The City of San Francisco updated its isolation ([Heath Order No. 2020-03e](#)), and quarantine ([Health Order No. 2020-02e](#)) orders, which went into effect on December 30, 2021. The isolation order requires anyone who has been in close contact with a confirmed COVID-19 case and has shown potential COVID-19 symptoms to isolate for at least 10 days regardless of vaccination

status. Individuals who live in a health care setting must isolate for 14 days and cannot shorten this time with a negative test. The updated quarantine order does not require vaccinated people with no symptoms to quarantine after close contact, but unvaccinated people must quarantine for 10 days from their last close contact.

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*Information for California was updated April 20, 2022*

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## **COLORADO**

### **Operative Plans and Orders:**

[Executive Order D 2020 044 – Safer At Home](#) (April 26, 2020)

[Amended Public Health Order 20-38](#) (May 2, 2021)

### **Relevant Websites:**

[Colorado COVID-19 Website](#)

[Protecting Our Neighbors](#)

[Industry Specific Operational Guidance](#)

[Public Health Orders](#)

**The State of Colorado removed all state-wide restrictions allowing each individual county to set their own restrictions on gathering sizes, capacity limits and mask wearing.**

On July 9, 2020, the State issued [Executive Order D 2020 127](#), introducing the next phase in its reopening framework titled “[Protecting Our Neighbors](#).” To better harmonize the reopening plan, the Governor issued [Executive Order D 2020 235](#) on October 30, 2020, which provided the parameters for a “dial” placing each county or region at one of six levels, ranging from least to most restrictive: Green (Protect Our Neighbors); Blue (Safer at Home); Yellow (Safer at Home); Orange (Safer at Home); or Red (Stay at Home).

On April 15, 2021, [Public Health Order 20-38](#) rescinded the state-wide “dial” reopening by allowing each county to implement regulations at the local level using the dial system as a framework model. On May 14, 2021, [Executive Order 2021 103](#) amended Colorado’s mask guidance, which no longer requires fully vaccinated people to wear masks in public spaces, both indoor and outdoor, with a few exceptions including in schools, while on public transportation and in transportation hubs such as airports and train stations. Unvaccinated people must continue wearing masks in schools, medical service locations, congregate settings and public buildings.

On July 8, 2021, Governor Polis signed [Executive Order 2021 122](#), otherwise known as the Colorado COVID-19 Disaster Recovery Executive Order, which rescinded all COVID-19 related emergency declarations. On February 14, 2022, Boulder County health officials unanimously voted to [rescind its mask mandates](#) beginning February 18, 2022. Moving forward, masks will no longer be required in public indoor spaces and in schools.

Colorado’s [COVID-19 Vaccination Plan](#) progressed through six phases. As of April 2, 2021, all citizens ages 16 and older could receive the vaccine. As of May 14, 2021, children ages 12 and older could receive the Pfizer vaccine. As of March 14, 2022, over [4,001,344](#) Coloradans have

been fully vaccinated, marking 70% of Colorado's entire population; [4,526,479](#) Coloradans have received at least one dose, marking 79% of the state's population; and [2,016,278](#) Coloradans have received a booster dose, marking 35% of the state's population.

All Colorado state employees were required to be fully vaccinated by September 20, 2021, and if they are not, must undergo COVID tests twice-weekly. Additionally, all Colorado health care workers (including staff and contractors who interact with patients or clients in assisted living homes, nursing homes, hospitals, hospices, community clinics) were required to be fully vaccinated by the end of October. The mandate does not apply to individual practitioners, doctors' offices or urgent care centers.

All Denver city employees, as well as private-sector workers in certain "high-risk" settings, were required to be fully vaccinated by September 30, 2021. After September 30, unvaccinated individuals covered by this mandate are not be permitted to work onsite. Denver's vaccine mandate also applies to volunteers, interns and contractors of the city. Private-sector employees covered by the mandate include those working in hospitals and clinical settings, nursing homes, homeless shelters, correctional facilities, childcare centers, schools and post-secondary institutions, and any entity providing home care to patients or first responder services.

Many Colorado colleges and universities required students and staff to be fully vaccinated prior to the start of the 2021-22 academic school year, including: Colorado College, Colorado School of Mines, Colorado State University system, Fort Lewis College, Metropolitan State University of Denver, Neropa University, Regis University, Rocky Vista University, University of Denver, University of Colorado system, University of Northern Colorado, and Western Colorado University.

On September 15, 2021, Jefferson County Public Health filed a [lawsuit](#) against Beth Eden Baptist School, Augustine Classical Academy, and Faith Christian Academy, alleging that all three schools failed to enforce the county's COVID-19 mask mandate for students. Additional allegations include that they refused to let health inspectors into their buildings.

On June 2, 2020, the Colorado State Senate introduced [SB20-216](#), relating to COVID-19 worker compensation claims. The bill provides that for the purposes of the "Worker's Compensation Act of Colorado" if an essential worker who works outside the home contracts COVID-19, the diagnosis is: (1) presumed to have arisen during employment; and (2) a compensable accident, injury, or disease. This bill is still pending.

A lawsuit filed against Governor Polis by a Christian ministry alleges that the COVID-19 related executive orders violate the ministry's constitutional rights by "arbitrarily restricting religious gatherings and services." The lawsuit is seeking a temporary restraining order and preliminary injunction. The ministry's complaint can be viewed [here](#). The 10th Circuit Court of Appeals denied the ministry's requests for emergency relief from the State's public health orders.

On January 11, 2022, Colorado's U.S. District Court Judge Raymond P. Moore [dismissed a case](#) filed by two military service members seeking a preliminary injunction against U.S. Secretary of Defense Lloyd J. Austin III to halt the "forcible inoculation" of military employees and prevent



the Department of Defense from requiring that military employees receive the COVID-19 vaccinations if they had previously contracted the virus. Judge Moore stated that the Plaintiffs' claims were based on pure speculation as the Plaintiffs were being considered for exemptions to the military's vaccination requirement. The federal complaint was originally filed in August 2021 following Austin's statement in which he said he would pursue a COVID-19 vaccine mandate for military service members.

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*Information for Colorado was updated on March 24, 2022*

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## CONNECTICUT

### Operative Plans and Orders:

[Executive Orders](#)

### Relevant Websites:

[Sector Rules for Reopening](#)

Governor Lamont's emergency powers expired on February 15, 2022, and the Legislature has assumed the role of COVID response with [H.B. No. 5047](#) and [H.J. No. 1](#). Effective February 28, 2022 there is no universal mask mandate for schools per [Order](#) from the Connecticut Public Health Commissioner. Local School Boards are free to determine mask guidance. Masks are still required in healthcare settings and shelters. Additionally, masks remain mandated on public transportation as directed by Federal Regulations. Private businesses may set forth their own requirements. Currently, 78.9% of the population are fully vaccinated and 95.2% has received at least one dose.

The Connecticut House passed an extension on certain provisions that were due to expire April 15, 2022. The extension lasts until June 30, 2022, and the COVID specific provisions include allowing healthcare providers to access vaccination records and allowing the state to certify nursing assistants.

The Connecticut Department of Public Health "strongly recommends" that anyone over 2 years old should wear a mask in public indoor spaces, regardless of vaccination status.

Governor Lamont signed [an executive order](#) explicitly allowing municipal leaders to implement universal mask requirements beyond the minimum set by the state. Some towns have instituted mask requirements in town buildings. The indoor mask mandate expired on February 1, 2022.

Individual school districts have implemented their own [plans](#) for the 2021–2022 school year.

Connecticut began rolling out a ["test and stay" initiative for schools](#) on November 4, 2021. The [program](#) allows unvaccinated students and staff who have come into close contact with COVID-19 within the school to remain at school as long as the individual was wearing a mask and does not develop symptoms. About [80%](#) of school districts are participating in the program.

A number of universities within the State, including the University of Connecticut, are requiring students to be vaccinated. The State is not mandating vaccinations and letting the individual schools decide. A full listing can be found [here](#).

The University of Connecticut reinstated its mask mandate on April 19, 2022. The mandate will remain in effect until finals end on May 7, 2022.

In response to the growing mental health challenges created and exasperated by the COVID-19 pandemic, Governor Lamont announced a program that will provide [\\$2.7 million in funding for colleges and universities](#) to employ evidence-based strategies to provide students access to mental health care.

As of October 5, 2021, all Nuvance Health hospitals are requiring [all visitors provide proof of vaccination](#) or negative COVID-19 test within the last 72 hours. Overall the hospitals are recommending only visiting a patient if it “is absolutely necessary,” which includes caregivers, primary support, and those actively involved in the patient’s care.

The United States District Court for the District of Connecticut has removed the mask requirements per [General Order](#). Judges may require masks within their chambers, and masking in courtrooms and deliberation rooms is at the judge’s discretion. On March 28, 2022 the court issued [Administrative Order 2022-12](#) easing entry requirements for courthouses. Jury trials resumed on February 1, 2022.

State Court jury summons and trials have resumed as of June 1, 2021, with face covering and screening procedures in place according to a [May 18 Statement](#) from Chief Court Administrator Patrick Carroll. A face covering is required to enter the courthouse.

The theaters that constitute [Connecticut’s Flagship Producing Theaters announced](#) vaccine and mask requirements for all audience members at indoor performances.

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*Information for Connecticut was updated on April 19, 2022*

## **DELAWARE**

### **Operative Plans and Orders:**

[Termination of State of Emergency](#) (March 1, 2022)  
[Delaware’s Economic Reopening](#)

### **Relevant Websites:**

[DE COVID-19 Website](#)  
[DE Economic Reopening Website](#)

Governor John Carney [terminated](#) the State of Emergency due to a Public Health Threat, effective March 1, 2022. The universal mask mandate was eliminated February 11, 2022, and the masking requirement for K-12 and child care settings ended March 1, 2022. Currently 68.8% of the population are fully vaccinated, and 82.8% have received one dose.

The Delaware Department of Public Health began a [Test-to-Treat](#) program on April 14, 2022. If an individual has symptoms, they must locate a facility and follow the instructions for scheduling or walk-in. From there they are tested and if positive treatment options are presented.

[Governor Carney announced](#) that Delaware would require all state employees and all health care and long-term care staff to provide proof of vaccination or undergo regular testing beginning September 30, 2021. Staff at nursing homes that admit pediatric residents are also [required to be vaccinated](#). The State has adopted CDC guidance for K-12 schools for the 2021-2022 academic year. Everyone who works in a public or private school [must be vaccinated](#) or submit to regular testing, as required by [Emergency Secretary Order](#) on October 18, 2021.

Some universities within Delaware are requiring students to be fully vaccinated for the 2021-2022 school year, including the University of Delaware and Delaware State University. A full listing can be found [here](#).

The Delaware State Judicial Emergency expired on July 13, 2021, per a [June 29, 2021 Statement](#). The State Courts lifted the mask order on March 2, 2022.

The United States Bankruptcy Court for the District of Delaware issued its [Sixth Amended Order](#) allowing on-site court hearings to be held at the discretion of the presiding judge, but limited to only critical cases. Members of the public are encouraged to attend on-site hearings remotely “where possible.” The court is in-line with the state and there is [no mask requirement](#), though judges may require masks at their discretion,

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*Information for Delaware was updated on April 19, 2022*

## **FLORIDA**

### **Operative Plans and Orders:**

[20-244 Executive Order re: Phase 3; Right to Work; Business Certainty; Suspension of Fines](#)  
[COVID-19 Program for Cruise Ships](#)  
[Executive Order 20-315 Vaccine Administration](#)  
[Notice of Emergency Rule - 64DER20-43: Vaccine Reporting Requirements](#)  
[Executive Order 21-101](#)  
[Executive Order 21-102](#)  
[Executive Order 21-175](#)

### **Relevant Websites:**

[Florida COVID-19 Resource Center](#)  
[COVID: Guidance for Businesses & Employees \(Florida Department of Health\)](#)  
[Florida Department of Health COVID-19 Response](#)

### **Miami-Dade County:**

[Miami-Dade County Emergency Orders](#)  
[Miami-Dade Initial Reopening Plan](#)

[The City of Miami:](#)

[Reopening Miami](#)

Florida Governor Ron DeSantis issued Executive Order 21-102 on May 3, 2021 which removed restrictions on individuals and businesses. The Order further prohibits counties and municipalities from using emergency powers to impose restrictions. Additionally, on May 3, 2021, the Governor signed Senate Bill 2006 into law and then issued Executive Orders invalidating all local government emergency orders until the bill became effective on July 1, 2021.

Counties and municipalities are prevented from assessing fines and penalties for non-compliance based upon an executive order issued by Governor DeSantis. The law mandates that any emergency order issued by a city or county must be limited in duration and scope to avoid the infringement of individual rights. Individual businesses can still require masks and social distance.

All Florida residents 18 years of age or older and persons providing goods and services to Floridians are eligible to receive any COVID-19 vaccine approved by the United States Food & Drug Administration. Individuals between the ages of 5 and 18 are eligible for the two-dose Pfizer COVID-19 vaccine based upon approval by the FDA. Individuals between the ages of 12 and 18 must be accompanied by a guardian in order to obtain the vaccine. Approximately 66.5% of people living in Florida are fully vaccinated against COVID-19.

The State became the first to recommend against vaccination for healthy children ages 5-17. State Surgeon General Dr. Joseph Ladapo issued guidance establishing no mandates and directing vaccinating children should be made on an individual basis.

The Governor announced that while government and health officials are encouraging residents to take the vaccine, no one will be required to get vaccinated. The State has eliminated proof of residency requirements for vaccination sites supported by Florida and the Federal government expanding eligibility to “any individual who is present in Florida for the purpose of providing goods or services for the benefit of residence and visitors of the State.” Miami-Dade County has eliminated the requirements of appointments at its three drive-through sites at Tropical Park, Zoo Miami in the Homestead Sports Complex which will accept walk-in individuals for vaccination.

On October 28, 2021, Governor DeSantis announced that the state of Florida is suing President Joe Biden’s administration over its coronavirus vaccine mandate for federal contractors in U.S. District Court in Tampa.

The Governor signed [SB 7014](#) on February 24, 2022 which extends COVID-19 liability protections for Healthcare workers to June 1, 2023. Gov. DeSantis signed [House Bill 1B](#) on November 18, 2021, which directs private employers present five exemptions to vaccine requirements should they wish to impose them. The legislation will remain in effect until June 1, 2023. The five exemptions are provided below:

- Exemption based on medical reasons
- Exemption established by religious reasons
- Exemption due to COVID-19 immunity
- Periodic Testing Exemption
- Exemption by way of employer-provided personal protective equipment

On June 29, 2021, the Governor signed the “Parents’ Bill of Rights” into law in Florida which prohibits the State, its subdivisions and any governmental institution “from infringing on the fundamental rights of a parent to direct the upbringing, education, health care, or mental health of a minor child without demonstrating such action is reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored and is not otherwise served by less restrictive means.”

On Friday, July 30, 2021, Governor DeSantis issued an Executive Order entitled “Ensuring Parents’ Freedom to Choose - Masks in Schools.” The Order, in relevant part, states:

- “Schools-including those did not require students to be masked-did not drive community transmission of COVID-19.”
- The CDC’s guidance recommending the wearing of masks in schools for all students and faculty “lacks a well-grounded scientific justification.”
- “Forcing children to wear masks could inhibit breathing, lead to the collection of dangerous impurities including bacteria, parasites, fungi, and other contaminants, and adversely affect communications in the classroom and student performance.”
- “There is no statistically-significant evidence to suggest that counties with mask requirements have fared any better than those without mass requirements during the 2020-2021 school year.”
- The Florida Department of Health and the Florida Department of Education are directed to “immediately execute rules” and “take any additional agency action necessary, using all legal means available, to ensure safety protocols for controlling the spread of COVID-19” in schools that are in accordance with the “Parents’ Bill of Rights” and:
  - do not violate Floridians’ constitutional freedoms;
  - do not violate parents’ right under Florida law to make health care decisions for their minor children; and
  - protect children with disabilities or health conditions would be harmed by certain protocol such as face masking requirements.

The Governor’s Order directs the Florida Commissioner of Education to “pursue all legal means available to ensure school districts adhere to Florida law, including but not limited to withholding state funds from noncompliant school boards violating any rules or agency action taken” pursuant to the Executive Order. On August 9, 2021, Governor DeSantis recommended that the State Board of Education consider withholding the salaries of



superintendents and school board members would disregard the executive order prohibiting mask mandates in public schools.

Gov. DeSantis has signaled support for a proposal to withhold approximately \$200 million from districts who defied the Governor's Executive Order prohibiting mask mandates. The proposal will reallocate forfeited money from districts who imposed masking requirements to those who complied with the Order. As of February 14, 2022 Broward County Public Schools are strongly encouraging masks for when indoors for all students and faculty.

However, the legislature has changed course from withholding funds from school districts that maintained mask mandates to rewarding schools that followed State guidance. The School Recognition Program will distribute \$200 million to schools that followed the prohibition on mask requirements. School districts with face-covering mandates are not eligible.

At least 10 Florida school districts defied the Governor's anti-mask mandate law and policy including Palm Beach County and Hillsborough County. On Friday, August 6, 2021, Florida's Board of Education approved private school vouchers for parents who feel that their children experience "COVID-19 harassment" in relation to or as a result of any school district's protocols including mask mandates, social distancing or virus testing requirements. Leon County (in which the state capital of Tallahassee is located) announced plans to require students to wear masks in school buildings regardless of the Governor's orders and directives. Currently there are no school districts requiring masks.

Florida congressional candidate Elvin Dowling has filed a lawsuit against the Governor claiming that the executive order preventing mask mandates in public schools violates children's "right to learn in a public school that provides a safe, secure and high-quality education" in violation of the State Constitution.

Florida's surgeon general signed new protocols on September 22, 2021 allowing parents to decide whether their children should quarantine or stay in school if they are asymptomatic after being exposed to someone who has tested positive for COVID-19.

The University of Florida issued a mask mandates for all students regardless of vaccination status while encouraging students to get vaccinated before August 22, 2021 and offering on-campus vaccination sites. The University of Miami mandated vaccines for employees and staff.

Both of Florida's NHL teams (Tampa Bay Lightning and Florida Panthers) and NBA teams (Miami Heat and Orlando Magic) dropped the mask requirements for their games, but recommend them for fans in attendance. The Miami Heat impose separate requirements for fans in the "Red Zone" requiring fans to wear a mask and provide proof of vaccination/negative PCR test. All the above venues are operating under cashless policies as well.

In-store retail establishments and personal services, including hair salons, gyms, and fitness centers, are allowed to operate at full capacity as long as adequate sanitation practices are followed. There are no travel restrictions in Florida.

The CDC's No Sail Order, which governs the states cruise ship industry, expired on January 15, 2022. The CDC is recommending cruise ships operating in U.S. waters participate in CDC's COVID-19 Program for Cruise Ships. The deadline to opt-in or out was February 18, 2022, and failure to provide notice was acknowledged as an opt-out. Those participating in the program must follow all recommendations.

In early May 2021, the CDC announced U.S. cruises can soon set sail with volunteer passengers. The CDC released its requirements for "simulated voyages" with volunteer passengers. These sailings are for cruise companies to prove they can sail without spreading COVID-19. Before leaving, cruise companies must apply for the sailing, and get permission from the CDC. They must also submit test results from all crew members and have written agreements with all U.S. port and local authorities. All volunteers must show proof of vaccination or proof that they aren't at high risk for severe COVID-19. The simulated cruise will end if 1.5% of passengers test positive for COVID-19 or 1% of crew members test positive.

Currently, Royal Caribbean is requiring guests 12 years and older be fully vaccinated, with boosters being strongly recommended but not encourages. All guests 2 and older must take a COVID-19 test prior to setting sail. Masks are optional for all fully vaccinated guests. On-board crew are required to be fully vaccinated and boosted.

On April 8, 2021, the State of Florida through the Florida Attorney General's Office filed a lawsuit in the United States District Court for the Middle District of Florida in Tampa against the United States and Federal officials and agencies including the Department of Health & Human Services and the CDC seeking declaratory injunctive relief. The lawsuit seeks to hold the Conditional Sailing Order unlawful and unconstitutional, injunctive relief preventing the enforcement of the Order and a declaration that the cruise industry may open with reasonable safety protocols.

On June 18, 2021, a federal judge ruled that the CDC's conditional sailing orders on the cruise industry "likely constitutes an unconstitutional delegation of legislative power to the CDC." As a result, the judge deemed that Florida is likely to succeed in the claim that the CDC exceeded its authority in issuing a conditional sailing order. The judge gave the CDC until July 2<sup>nd</sup> to propose a narrower injunction that allows the ships to sail, and ordered the parties to return to mediation.

On July 17, 2021, the 11<sup>th</sup> Circuit Court of Appeals reversed the lower court's ruling. The Court of Appeals held that the CDC protocols are valid orders and not "suggestions" for operational requirements on cruise ships relating to COVID-19. The Court held that the CDC's orders were well within the agency's area of traditional jurisdiction.

On July 13, 2021, Norwegian Cruise Line Holdings sued Florida's surgeon general in the U.S. District Court for the Southern District of Florida over prohibition on vaccine requirements. The cruise line is accusing the state of preventing it from "safely and soundly" resuming trips by barring it from requiring customers to be vaccinated against the coronavirus. Under Governor Ron

DeSantis, the state has fought vaccine requirements by cruises and other businesses, claiming that such policies are discriminatory. Norwegian is claiming that Florida's ban is not valid because it pre-empts federal law and violates various provisions of the Constitution, including the First Amendment.

On August 8, 2021, Judge Kathleen Williams granted the cruise line's request for a preliminary injunction and ruled in favor of Norwegian Cruise Line's request to mandate proof of vaccination in order to board Norwegian Cruise's ships in defiance of Florida's vaccine passport ban. Judge Williams concluded that the state of Florida failed "to provide a valid evidentiary, factual, or legal predicate" for the passport ban and that the Florida law could negatively impact public health.

**Miami-Dade County:** The State of Emergency in Miami-Dade County was extended again on March 31, 2022 for another 7 days. In accordance with Executive Order 20-244, Miami-Dade County issued [Emergency Order 30-20](#), permitting the County to enter Phase 3 of the state's reopening plan. Under this order, "[e]very retail and commercial establishment and any other establishment or facility in Miami-Dade County is permitted to open and remain open," subject to certain requirements. This order does not limit the number of people who may physically attend a religious service.

Although Governor DeSantis lifted all local mask mandates by executive order, Miami-Dade encourages businesses and guests to follow CDC guidelines and recommend people wear a mask and social distance in Miami-Dade County facilities. Masks are still required at the Airport, Port, and on public transportation per federal guidelines. There are no limits the number of people who may physically attend a religious service.

Restaurants are also required to run their HVAC systems with the fans on while patrons are in their establishments. Casinos are also permitted to reopen with similar restrictions. Live performances in certain establishments are permitted so long as performers are at least ten feet from patrons at all time and such patrons observe such performances from tables or stationary seats. Information on regulations for restaurants, bars, and clubs in Miami-Dade County can be found on the County's web-site.

On March 10, 2021, Governor DeSantis signed an executive order that cancels any fines related to local government COVID-19 restrictions on people and businesses. The order states any fines imposed between March 1, 2020 and March 10, 2021 by any political subdivision of Florida related to local government COVID-19 restrictions are canceled. The order goes on to say it can serve as a defense to the collection of those fines. The last section of the order reads "The Executive Order does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any part against the State, its department or agencies, or its officers, employees, or agents." According to the order, it was warranted because of "unprecedented local government restrictions" on businesses and people over the last year.

On March 29, 2021, the Governor signed a bill protecting certain businesses, government, healthcare providers, educational and religious institutions liability protection from COVID-19 lawsuits. The law, which went into effect immediately, provides that if an organization made a good faith effort to comply with virus guidelines in the entity is immune from civil liability. Highlights of the legislation include a heightened culpability standard where in order to establish

liability, the defendant must have acted with gross negligence or intentional conduct. Additionally, the legislation includes a heightened evidentiary standard where clear and convincing evidence is required to establish liability, rather than a mere preponderance of the evidence.

On June 30, 2021, the Governor signed into law House Bill 1261 designed to shield colleges and universities from litigation seeking the refund of tuition based on pandemic restrictions. The law became effective July 1, 2021.

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*Information for Florida was updated on April 5, 2022*

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## GEORGIA

### Operative Plans and Orders:

[Georgia Executive Orders](#)  
[Executive Order 04.23.20.02](#)  
[Executive Order 05.12.20.02](#)  
[Reviving a Healthy Georgia Plan](#)  
[City of Atlanta COVID-19 Response and Orders](#)  
[Executive Order 06.11.20.01- Empowering a Healthy Georgia](#)  
[Georgia COVID-19 Pandemic Business Safety Act](#)  
[Georgia Vaccine Plan](#)

### Relevant Websites:

[Georgia Department of Public Health Website](#)  
[Georgia Department of Education](#)

**Governor Brian Kemp officially ended the state of emergency in Georgia on June 30, 2021. There is no statewide mask wearing mandate in Georgia, but citizens are “strongly encouraged to wear face coverings as practicable” outside of their residences. There are no travel restrictions in Georgia. Governor Brian Kemp revised his coronavirus health order of August 15, 2020 in order to allow local governments to impose limited mask mandates. Cities and counties with 100 or more confirmed COVID-19 cases per 100,000 residents can enforce mask wearing requirements on public property.**

**On April 30, 2021, Governor Kemp issued an executive order lifting most of the states remaining COVID-19 restrictions. The order lifts capacity restrictions on movie theaters and other large venues, ends requirements for restaurants to space out tables and for employees to wear masks and removes restrictions for places like gyms and barbershops. Kemp urges Georgians to still follow CDC prevention guidelines that say fully vaccinated adults can gather indoors without masks two weeks after the second dose but people should wear masks when attending crowded events.**

**Georgia is currently vaccinating anyone 5 years and older for COVID-19. Pfizer is the only COVID vaccine currently authorized for children aged 5-17. Booster shots are recommended for ages 12 and up. Approximately 54.3% of people living in Georgia are fully vaccinated.**

**On May 25, 2021, Governor Kemp signed an executive order prohibiting state agencies, state service providers and state properties from requiring COVID-19 passports. State employers are not allowed to have different rules for employees based on vaccination status unless rules are implemented using an honor-code system.**

**Georgia's Order provides that "no state or agency employee shall be afforded employment-related privileges, accommodations or circumstances of employment or otherwise be held subject to different rules or requirements than other employees" based on COVID-19 vaccination status. Specifically, the Order provides that state agencies, providers of state services, and state properties are prohibited from requiring proof of COVID-19 vaccination as a condition to, among other things, being employed by or enjoying any other rights or privileges provided by the state.**

**Private employers are prohibited only from accessing or using data from the Georgia Registry of Immunization Transactions and Services or any other COVID-19 vaccination data held by the state for a VPP or to otherwise determine the vaccination status of individuals for, among other things, employment purposes. As such, while the Order prohibits private employers from accessing or using the vaccination data held by the state, the Order *does not* explicitly prohibit private employers from requesting proof of vaccination from their employees through any source other than the state-held data.**

**On August 19, 2021, Governor Kemp issued an executive order allowing businesses to disregard local pandemic rules stating that the order "will ensure that businesses cannot be forced to follow local government ordinances regarding COVID-19."**

**[Senate Bill 514](#), Unmask Georgia Students Act, was signed by Governor Kemp on March 29, 2022. The bill bans school districts from enforcing mask mandates by allowing parents to opt out of their child wearing a mask. The legislation will remain in effect for at least five years with June 30, 2027 as the current expiration date.**

**On August 19, 2021, Governor Kemp issued a further Executive Order that keeps businesses from being forced to follow COVID-19 ordinances put in place by local jurisdictions. The order does not prevent businesses from complying with local orders, but the ordinances cannot be enforced. Local governments will not be able to enforce, for example, mask policies or vaccine mandates against private businesses.**

**On March 29, 2022 the Georgia House passed legislation that would prohibit any state or local agency, government or school from mandating COVID-19 vaccination. The bill does not include health care providers. If passed in the Senate and signed by Governor Kemp the bill's prohibition would expire June 30, 2023.**

**On August 17, 2020, the State enacted the "[Georgia COVID-19 Pandemic Business Safety Act](#)." This statute provides businesses with liability protection related to COVID-19 civil law suits. In addition, the statute provides liability protection against damages in a civil suit involving COVID-19 related claims to healthcare facilities, providers, entities, and individuals. The statute does not**



extend liability for COVID-19 related claims if the plaintiff can show that the defendant acted grossly negligent, willfully and wantonly, recklessly, or intentionally. Moreover, this statute includes a rebuttable presumption of assumption of the risk by the claimant if certain facts are present, including, a business operator placing warning signs at the entry of the premises and/or on receipts/proof of purchase for entry.

The legislature's endorsed warning language reads: "Under Georgia law, there is no liability for an injury or death of an individual entering these premises if such injury or death results from the inherent risks of contracting COVID-19. You are assuming this risk by entering these premises." The legislature's endorsed warning language for proof of purchase for entry reads: "Any person entering the premises waives all civil liability against this premises owner and operator for any injuries caused by the inherent risk associated with contracting COVID-19 at public gatherings, except for gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm, by the individual or entity of the premises."

On February 9, 2021, the Georgia State House voted in favor of extending by one year a law that protects businesses from being sued by a person that blames them for contracting COVID-19. The protection was set to expire July 14, 2021, but House Bill 112 extended it to July 14, 2022. The law sets a high bar for lawsuits against businesses, healthcare providers and other protected entities. Plaintiffs will have to establish gross negligence, willful and wanton misconduct or intentional infliction of harm in order to prevail. The Bill was passed on May 4, 2021.

**Atlanta:** The city-wide indoor mask mandate was lifted, however, masks are still required for public meetings and programs in city buildings. State Farm Arena, home of the NBA's Atlanta Hawks, encourages masks for all throughout the arena.

The Metropolitan Atlanta Rapid Transit Authority requires riders to wear masks when using public transportation and is taking extra precautions to protect employees and riders such as regularly cleaning buses, rail, vans and all public transportation stations as well as altering service schedules. Masks are also required in to be worn inside commercial businesses (such as restaurants) as well as other building and spaces open to the public within the city limits of Atlanta as well as outdoors when social distancing cannot be maintained. Masks are also required inside Hartsfield-Jackson International Airport.

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*Information for Georgia was updated on April 5, 2022*

## HAWAII

### Operative Plans and Orders:

[COVID-19 Emergency Proclamation](#) (March 4, 2020)  
[Nineteenth Supplemental Emergency Proclamation](#) (April 9, 2021)  
[Beyond Recovery: Reopening Hawaii](#)

### Relevant Websites:

[State Department of Health COVID-19 Website](#)  
[Hawaii Reopening Status](#)

**Hawaii is operating under Phase 2, “Act with Care,” as part of its four-phase reopening plan, which allows most businesses to reopen with certain limitations. Face coverings are required when in an indoor public area, with certain exceptions. There are currently mandatory quarantine and COVID-19 testing requirements for unvaccinated out-of-state travelers. All Hawaii residents ages 12 and older are eligible to receive a COVID-19 vaccine.**

Hawaii has reached all of its public health benchmarks to reopen its economy. However, the State continues to remain cautious and vigilant when it comes to the tourist sector. Governor David Ige’s [August 4, 2021 proclamation](#), extended the disaster relief period through October 1, 2021. This order also invokes 127A-16, HRS, by accessing the Major Disaster fund, and suspending laws that would impede the use of the Major Disaster Fund such as § 37-41, which would normally cause unencumbered funds to revert to the general fund.

On November 23, 2021, Governor Ige, along with the county mayors of Hawaii, [announced the next phase of COVID-19 safety measures in Hawaii](#). The Safe Travels program, indoor mask mandate, and vaccination or testing requirements for executive employees and visitors to state facilities will remain in-place unchanged. Outside of these provisions, Hawaii will be moving back to county control. As of December 1, 2021, counties will no longer need to obtain the approval of the governor or the HIEMA Director to issue county emergency orders, rules, or proclamations. Executive Order 21-08, which limits social gatherings and establishments statewide, will terminate on December 1, 2021, as well. These changes were officially enacted through [11-29-21 Emergency Proclamation](#), which is set to expire on January 28, 2022.

Governor Ige perpetuated Hawaii’s State’s Safe Travels program, and mask mandate through the [Emergency Proclamation Related to the State’s COVID-19 Delta Response](#), published on October 1, 2021. The proclamation also clarifies that businesses are not required to pay for the COVID-19 tests of employees who choose to undergo regular testing instead of receiving the vaccine.

Hawaii has had [three confirmed cases of the Omicron variant](#), although the State had not yet implemented any additional restrictions or regulations as a response.

The governor’s [Twenty-First Proclamation Related to the COVID-19 Emergency](#) imposed state-wide face covering mandate subject to certain exceptions. The federal government’s eviction moratorium, which lasted until October 3, 2021, applied to most of the State.

[Executive Order No. 21-08](#), which goes into effect on November 12, 2021, requires that indoor activity at social establishments (such as restaurants and bars) continue to enforce six feet of distance between groups, and mask requirements. The order specifies that outdoor activity at restaurants and bars is no longer bound by these restrictions. The order also specifies that all indoor, high-risk activities have a capacity limit of 50%, unless there is a policy requiring vaccination – in which case there is no capacity restriction. This order was superseded and terminated by the 11-29-21 Proclamation.

On October 11, 2021, the Department of Health's state epidemiologist, Dr. Sarah Kemble, [released a statement emphasizing the deadliness of COVID-19](#), and warning that influenza may be a greater than normal risk this year, as COVID-19 creates complications.

Hawaii is utilizing a [SMART Health Card system](#) which, beginning on September 8, 2021, gives every fully vaccinated individual in Hawaii the option to obtain a digital card that may be used to quickly confirm vaccination status. However, the SMART Health Card QR code cannot be used to travel to Hawaii.

[Hawaii has adopted the CDC's guidelines](#) for vaccine boosters, and made booster shots for all COVID-19 vaccines available to eligible parties on October 21, 2021. The Hawaii Department of Health has also approved "mixing and matching" the vaccines. The Hawaii Department of Health also has [pre-ordered the maximum allotment of vaccine doses](#) for five to 11 year olds, 41,700 doses, in anticipation of Emergency Use Approval being granted on November 3, 2021. This first wave of doses is enough to vaccinate approximately 35% of Hawaii's five to 11 year olds. The Hawaii Department of Health authorized vaccine providers to begin administering the Pfizer COVID-19 vaccine to [children aged 5 to 11](#) on November 2, 2021. In accordance with CDC guidance, the Hawaii Department of Health has made [COVID-19 booster shots](#) available to all fully vaccinated adults as of November 30, 2021.

The Department of Health [penalized Embry Health](#) on November 5, 2021, for conducting unauthorized COVID-19 tests. The health care provider had set up collection depots in malls, parks, and resorts without license, permit, or approval. In addition to a cease and desist, the Department of Health fined Embry Health over \$200,000.

As of August 23, 2021 The City and County of Honolulu is set to be in [a state of emergency](#) until October 22, 2021. Additionally, on August 25, 2021 Hawai'i County issued [Emergency Rule No. 17](#). This Emergency Rule restricts entrance to county buildings to only those "on official county business;" implements a face covering requirement on any outdoor space where 10 or more people are gathered and appropriate distancing is difficult; requires that all businesses provide hand sanitizer for all customers and employees at all entrances to the business; and prohibits any social gathering of more than 10 people.

Mayor Blangiardi of Honolulu implemented [Emergency Order No. 2021-11](#), which amends the implementation of Tier 5 of Honolulu's post COVID-19 framework by imposing a vaccine mandate on all employees of recreation centers, restaurants, bars, and indoor gym or fitness facilities on August 30, 2021. Proof of vaccine shall also be required to allow patrons to enter covered entities. Moreover, Honolulu's mayor amended the implementation of Tier 5 of Honolulu's Recovery Framework through [Emergency Order No. 2021-10](#). This order prohibits designated businesses from conducting certain operations such as weddings, public competitions, and "structured static events." The order also bans all forms of entertainment, such as live music, that may draw crowds to certain areas of permitted operations. The order limits attendants at death related events such as funerals or mortuary services to 10 for indoor events and 25 for outdoor events.

Governor Ige's [Executive Order 21-07](#) requires all visitors and contractors to provide proof of vaccination or a negative COVID-19 test to be allowed entry to state facilities as of September 10, 2021.

On September 3, 2021, Governor Ige [released a statement](#) urging care and restraint, but imposing no new legal limitations. On June 15, 2021, all inter-island travel restrictions ended. This ending of restrictions also extends to trans-Pacific travelers who have received at least one dose of a vaccine in Hawaii. As of July 8, 2021, vaccinated individuals from the United States may skip any testing and quarantine requirements if they provide a hard copy of their vaccine record and upload proof of vaccination to the State's "Safe Travels" website. For unvaccinated travelers, there is a 10-day quarantine requirement. However, a county may adopt a negative test exception to this quarantine requirement. Once the State reaches a vaccination rate of 70% of the total population, all travel restrictions, along with other COVID-19 restrictions, will end. While no additional travel restrictions have been implemented, some mayors are [requesting formal restrictions](#), and while Governor Ige has stated that he is considering such actions, no restrictions have materialized. Indeed, in a News Conference on October 19, 2021, Governor Ige announced that Hawaii would be [welcoming and encouraging travel](#) to Hawaii again beginning on November 1, 2021. The office of the Governor later issued a [press release](#) recounting these statements.

Hawaii will begin [accepting international travelers in accordance with the new federal requirements](#) beginning on November 8, 2021. Governor Ige announced that Hawaii will be requiring both proof of vaccination and a negative COVID-19 test from non-U.S. citizens looking to enter Hawaii. U.S. citizens flying to Hawaii from an international location must present proof of vaccination and a negative test from within three days of boarding the flight if they are vaccinated, or a negative test from within one day of boarding the flight if they are unvaccinated.

Guided by its cautious approach, the State and some of its counties are operating in Phase 2: "Act with Care," of its four-phase reopening and recovery plan, "[Beyond Recovery: Reopening Hawaii](#)." Phase 2 permits indoor gathering places, exercise facilities, museums, theaters, personal services, and restaurants to reopen. Office settings may also reopen so long as social distancing and sanitary practices such as hand hygiene, staying home if ill, the use of face coverings, surface cleaning, and isolation of high-risk individuals are followed. However, gatherings of over ten people remain prohibited and face coverings are required when in a public area, subject to certain exceptions. Likewise, large venues, and clubs remain closed under this Phase. On May 25, 2021, the governor lifted the mask mandate for all individuals when they are outdoors. At this time, the indoor rules remain in effect. The indoor mask mandate will end when the State reaches a vaccination rate of 70%.

Mayor Blangiardi of O'ahu announced that O'ahu would be moving away from the tier system and adopting a set of restrictions called the [Safe Oahu Response Plan](#), on September 17, 2021. This plan was announced in the Mayor's Emergency Order No. 2021-13, proclaimed a state of emergency to last through November 20, 2021 as well as the new plan. The state of emergency and plan [have been extended](#) through December 25, 2021. The Safe Oahu Response Plan prohibits indoor or outdoor structured status events, social establishments, wedding events, from operating. The order prevents establishments from offering, or having readily consumable, liquor past 10:00 pm. Social gatherings are to be limited to 10 people indoors, and 25 outdoors – this includes

gatherings for death events, but not essential businesses. Face coverings are required in all public settings. Shared indoor spaces such as lunchrooms and conference rooms should be closed where possible. Covered entities (entertainment facilities, restaurants, and fitness facilities) may not allow a patron to enter their premises without proof of full vaccination and matching personal identification. Essential Businesses should apply appropriate Social Distancing Requirements everywhere possible. Oahu has created a [quick reference chart](#) to display which restrictions are placed on which activities or businesses. This plan went into effect on September 22, 2021.

Through a joint [Proclamation and Executive Order 2021-15](#), Mayor Blangiardi instituted a 60 day state of emergency in O’ahu. The order also prohibits the sale or consumption of alcoholic beverages past midnight, until November 2, 2021 (pushing back the earlier deadline of 10:00 pm). Beginning on November 3, 2021, there will no longer be any time restrictions on serving alcohol. Businesses must refuse service to any individual refusing to wear a face covering. Shared indoor spaces, such as lunchrooms, are to be closed. Beginning November 3, 2021, indoor interactive events will be allowed a maximum of 150 people. Beginning on November 24, 2021, the limit will again expand to 300 people. Outdoor events will be limited to the lesser of 500 people, or 50% of total capacity on November 3, 2021. There will be no gathering limit for outdoor events after November 24, 2021.

Through [Executive Order No. 2021-06](#), published on September 1, Governor Ige has directed all health care facilities and professionals to render support to the state’s response to Covid-19. This is to include canceling and postponing elective surgeries, conserving important medical supplies, following specific triage standards, and potentially working directly under the direction of HIEMA or HDOH. The Executive order also grants special immunity to all health care facilities and professionals who comply with this order in good faith.

Restaurants in the State are now be able to operate at 50% capacity. People must remain seated with their parties and wear masks when not eating or drinking. Additionally, social gathering capacity limits are 10 people indoors and 25 people outdoors. There are exceptions for events that are professionally planned and have more than 50 people.

Oahu now allows its restaurants to open at full capacity if customers provide proof of being fully vaccinated or a negative COVID-19 test result from the previous 48 hours.

While Maui County follows the majority of the State’s guidelines, it continues to require nightclubs and concert halls to remain closed. However, most of the County’s parks and beaches are open with restricted hours. Moreover, the County has limited all social gatherings to no more than five people and is requiring all residents to wear face coverings. These guidelines, along with others, are explained in the County’s [Public Health Emergency Rules](#).

On November 12, 2021, Mayor Victorino of Maui published compilation of the [emergency rules and restrictions in place in Maui County](#). The document declares that any violation of the rules will constitute a misdemeanor with a maximum fine of \$5,000 and a maximum jail sentence of one year.

According to local news sources, the Highgate hotels in Hawaii will be requiring all employees and guests submit proof of vaccination starting on October 15, 2021.



Kaua'i County entered Tier 4 of the State's reopening plan and has allowed mostly all businesses to reopen with some modifications and guidelines. On May 25, 2021, the governor approved a new tier system for the county. This system adds tiers five and six. Under Tier 5, capacity limits will increase to 75%. Gathering size restrictions will increase to 25 people indoors and 75 people outdoors. Under Tier 6, capacity restrictions will be eliminated. For more information on Kaua'i County business and recreational guidelines, please see [Kaua'i Reopening Strategy](#). On September 23, 2020, Honolulu County released a [Recovery Framework](#) (updated on March 8, 2021) that includes a tiered system which is based on the level of community spread of COVID-19. Now, the County is in "Tier 6." Specifically, Tier 6 represents a level of community spread that allows the public health system to fully test, contact trace, and isolate/quarantine; and does not overburden the healthcare system. As such, this Tier eases restrictions on individuals and businesses by allowing, for example, indoor groups of no more than 25 people and outdoor gatherings of no more than 75 people; beaches, parks, and trails to continue to remain open subject to certain limitations; restaurants and bars to offer indoor dining to a maximum of 25 individuals indoors or 75 people outdoors so long as seating is arranged to provide at least six feet of separation between dining groups; and gym and fitness facilities can operate with certain conditions. However, the county will follow the governor's additional restrictions. More industry-specific guidance and restrictions can be viewed [here](#).

The State has reported cases of the Delta variant across its islands. The variant now represents approximately 80% of cases in the State. [Approximately](#) 72% of the population is fully vaccinated and 77.1% of the population have at least one dose.

Schools fully opened for in-person learning for the school year on August 3, 2021. School activities, like clubs and sports, resumed as well. According to the State's [school reopening plan](#), masks must be worn when indoors but are not required in most outdoor settings. When possible, schools should keep 3 feet of distance between students and 6 feet of distance between students and staff. The plan promotes vaccinations but does not require them.

As of October 20, 2021, the Hawaii State Teacher's Association, is picketing the Hawaii Department of Education, and plans to file a prohibited practice complaint with the labor relations board. When Governor Ige instituted vaccine/testing mandates, he was able to suspend some collective bargaining requirements. HSTA alleges that the Department of Education has used this suspension to neglect critical issues and the needs of members of the union.

The State's lawmakers proposed [SB 811](#), which would require the HDE to publish weekly reports on schools that have a student, staff member, or affiliated individual who has tested positive for COVID-19. The report must include: (1) the school's name; (2) the date the COVID-19 positive test result was reported to the schools; and (3) the date that the positively tested individual was last on the school campus. The rationale behind this bill, according to state senators, is that parents have a right to know whether their children's schools have been affected by COVID-19. The bill was implemented after a veto override was passed on July 6, 2021.

Currently, all Hawaii residents ages 12 and older are eligible to receive the COVID-19 vaccine. The State, however, is administering the Pfizer COVID-19 vaccine to anyone 12 years and older.

In accordance with FDA approval and guidance, the Moderna and Johnson & Johnson vaccines are only available to individuals ages 18 and older. The Department of Health has also released [a medical advisory](#) recommending an additional dose of the mRNA versions of the Covid-19 vaccine to individuals who are moderately or severely immunocompromised.

[The Department of Health has authorized a third dose](#) of the Pfizer vaccine for individuals 65 and older, as well as individuals aged 50-64 who have underlying health conditions. However, the Department of Health also released a statement clarifying that they would prioritize administering first and second doses over third doses.

The State's Department of Education announced that all students and staff participating in high school sports this year must be fully vaccinated by September 24, 2021, which is when the season began.

According to the assistant general counsel for the Hawaii Employers Council, Hawaii employers can [require](#) their employees to be vaccinated against COVID-19 with certain limits. The employer can require the vaccine but must make reasonable accommodations for those with a disability or religious belief that prevents them from being vaccinated. This is based on guidance from the Equal Employment Opportunity Commission.

Hawaii's State and County employees were mandated to get vaccinated before August 16, 2021, or submit to weekly testing.

Four of the State's largest hospital systems will require their employees to be vaccinated against COVID-19. These systems are Adventist Health Castle, Hawaii Pacific Health, The Queen's Health Systems, and Kaiser Permanente. Additionally, Bank of Hawaii, Territorial Savings Bank, and First Hawaiian Bank will require their workers to get vaccinated or submit to weekly testing. Merriman's will also require employees to get vaccinated against COVID-19.

The CDC awarded the Hawaii Department of Health with a [\\$2.2 million grant to train and deploy health care workers](#) in response to the COVID-19 pandemic. The grant covers a three-year period, and will provide aid for medical schools in producing community health workers. The grant emphasizes identifying individuals with relevant language and cultural skills to properly serve the community.

With respect to the upcoming academic year, the University of Hawaii will [require students to be fully vaccinated](#) to register for Spring 2022 classes, both for in-person and hybrid learning. The school will no longer offer a testing alternative to vaccination as of January 3, 2022. BYU-Hawaii also will require its students to be vaccinated when they return to campus. Additionally, the University of Hawaii is requiring [all employees be fully vaccinated](#) by January 3, 2022, including fully remote workers.

Hawaii has provided health care facilities and volunteers immunity from civil lawsuits related to COVID-19 under [Executive Order 20-05](#). As with similar liability immunity orders and statutes, the Hawaiian immunity order does not apply to willful misconduct, gross negligence or

recklessness. Although this immunity has not been extended more broadly, Hawaii is encouraging businesses to utilize liability waiver forms to immunize them from potential litigation.

Hawaii lawmakers have also proposed [SB 563](#) which would prohibit commercial landlords from evicting tenants and from trying to collect back rent from businesses for twelve months after expiration of the last emergency proclamation relating to the COVID-19 pandemic. Tenants would be able to terminate leases without penalty if negotiations with landlords to amend current contract terms are unsuccessful. In the event a landlord violates the prohibitions proposed in this bill, tenants would be able to sue for damages and be able to recover \$2,000 for each incident constituting a violation, including attorney's fees.

On October 12, 2021, the Hawaii Supreme Court [denied a petition for the expedited release](#) of non-dangerous and high-risk prisoners in response to the danger posed by COVID-19. The court cited the high vaccination rate in Hawaii, and said the risk to the prisoners was not the same as when earlier concessions were made.

In a September 29, 2021, order, the Chief Justice of the Supreme Court of Hawaii [postponed all jury trials](#) until November 16, 2021. Effective September 27, 2021, [all judicial employees must be fully vaccinated](#) or undergo weekly testing as per the September 22, 2021 Judicial press release.

A Hawaii union is suing the State for a group of first responders in an attempt to block enforcement of the State's vaccination mandate. The union representatives say that the weekly testing option for unvaccinated individuals would violate the employees' collective bargaining agreement.

Lastly, a class-action lawsuit was filed by inmates in Hawaii jails alleging that poor jail conditions led to COVID-19 outbreaks. The inmates cite overcrowded areas, unsatisfactory cleaning protocols, and mixing of sick inmates with healthy inmates. A court, on July 13, 2021, decided that the plaintiffs alleging a violation of inmates' constitutional rights will likely prevail at trial. It found a failure to protect inmates from COVID-19 outbreaks and ordered the State to follow its plan for protecting inmates.

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*Information for Hawaii was updated on December 9, 2021*

## IDAHO

### Operative Plans and Orders:

[Idaho Rebounds - Four Stages of Reopening  
Business Specific Protocols for Opening  
Idaho Rebounds - Stage 4](#) (May 11, 2021)

### Relevant Websites:

[Idaho Official Resources for COVID-19](#)

**Idaho remains in Stage four, the final stage of its Idaho Rebounds reopening plan. There are currently no gathering restrictions or capacity restrictions for businesses. Idaho does not have a mask mandate but face coverings are strongly recommended.**

After progressing through the first three stages of Idaho Rebounds, Idaho entered stage four on May 11, 2021. Stage four allows for gatherings of all sizes and no capacity limits on business operations. The move to stage four also rescinded the prior requirements that restaurant patrons remain seated when consuming food or drink and tables be spaced six feet apart. There are no restrictions on travel.

Employers are still encouraged to continue telework for its employees where possible. All businesses must follow the [business-specific protocols](#).

Governor Little never issued a statewide mask mandate, instead leaving mask requirement up to counties and local municipalities. Idaho's Stay Healthy Guidelines recommends that each employer determine their own requirements for masks for their employees, vendors, and/or patrons.

Effective March 7, 2022, the city of Boise lifted its mask requirements for events and city buildings, and eased other [COVID-19 safety policies](#). The updates to the city's COVID-19 policies include:

- Optional use of face masks for staff and visitors within city facilities, including Boise City Hall, City Hall West, all Boise Public Library locations, recreational facilities, water renewal facilities, and city office buildings.
- Due to federal guidelines, masks are still required in the Boise Airport
- Physical distancing requirements are no longer applied
- Size limitations on gatherings are no longer applied
- Special event requirements for COVID-19 are no longer applied

Idaho's [COVID-19 vaccination plan](#) entered its final stage on April 5, 2021 when all individuals ages 16 and older became eligible for the vaccine. On May 12, 2021, all individuals ages 12 and older became eligible to receive the Pfizer vaccine. On July 8, 2021, St. Luke's, Saint Alphonsus, and Primary Health, some of the largest healthcare employers in Idaho, announced that by the end of September, hospital employees and contractors must become fully vaccinated or risk termination. As of March 14, 2022, over [953,986](#) Idahoans, or 53% of Idaho are fully vaccinated, [1,081,569](#) Idahoans, or 60% of Idaho have received at least one dose of the COVID-19 vaccine, and [392,332](#) Idahoans or 22% of Idaho's population have received a booster dose.

Prior to start of the 2020-21 academic school year, Governor Little emphasized the importance of students returning for in-person instruction in the "[Idaho Back to School Framework](#)." To view the status for a particular school district, please see the [Idaho School District Status dashboard](#). The College of Idaho developed a policy by which students must either be (1) fully vaccinated, (2) take a weekly PCR test paid for by the student, or (3) apply for a religious or medical exemption.

On August 26, 2020, both houses of the Idaho Legislature passed the [Coronavirus Limited Immunity Act](#), which was signed into law by Governor Little on August 27, 2020. The law provides that if businesses, cities, counties, people and/or schools make an effort to avoid transmission and comply with public health orders there can be no civil liability for negligence. Like most legislation, there is an exception to the immunity protections for willful or reckless conduct resulting in virus transmission. Workers' compensation laws are not impacted.

Effective April 7, 2021, [Executive Order 2021-04](#), prevents entities or state officials from requiring proof of receipt of a COVID-19 vaccine or producing or issuing COVID-19 vaccine passports to access state facilities or services.

For the second time in 2021, in October, Lieutenant Governor McGeachin [took advantage of Governor Little's out of state travel](#) by signing Executive Order No. 2021-13 attempting to prohibit COVID-19 vaccine passports, variations of such passports, and prohibit COVID-19 testing. Governor Little quickly responded and signed [Executive Order No. 2021-14](#) repealing the prior Executive Order.

On October 29, Governor Little [announced](#) that he joined a multistate lawsuit challenging President Biden's federal contractor COVID-19 vaccine requirement. The mandate requires federal contractors to be fully vaccinated against COVID-19 by December 8, 2021, with the only exceptions being for those with medical or religious exemptions or requiring a mandatory testing routine for employees who opt out of the vaccine.

On November 4, 2021, Governor Little [announced](#) that the State will be joining the multi-state lawsuit against President Biden's administration, challenging the OSHA vaccine mandate that requires private employers with 100 or more employees to become fully vaccinated or undergo required testing for COVID-19.

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*Information for Idaho was updated on March 24, 2022*

## ILLINOIS

### Operative Plans and Orders:

[Illinois Executive Orders Related to COVID-19](#)  
[Illinois Gubernatorial Disaster Proclamation](#) (December 11, 2020)  
[Restore Illinois](#) (May 5, 2020)

### Relevant Websites:

[IL COVID-19 website](#)  
[Illinois Department of Public Health](#)  
[Restore Illinois Phase 4 Stay Healthy Guidelines](#)  
[Restore Illinois Phase 3 Recovery Guidelines](#)  
[Chicago COVID-19 website](#)

All regions of Illinois are currently in Phase 5, the final stage of reopening. On February 28, 2022, Governor Pritzker rescinded the State's Mask Mandate allowing residents to stop wearing face coverings in indoor public spaces. The new guidelines do not change the federal requirement to wear masks on public transportation and indoors in airports, train stations and bus stations. All individuals 18 and above in Illinois are eligible to get vaccinated with either the Pfizer, Moderna or Johnson and Johnson Vaccine. Residents between the age of 5 and 18 are allowed to receive the Pfizer vaccine.

### Statewide General Restrictions



On June 11, 2021, Illinois entered Phase 5. Under Phase 5, all sectors of the economy can resume at regular capacity. Phase 5 also marks the return of traditional conventions, festivals, and large events without capacity restrictions. Large gatherings of all sizes can resume across all industry settings, and Phase 5 removes requirements that businesses institute mandatory social distancing in seated venues as well as daily health screenings of employees and visitors. Businesses and venues continue to allow for social distancing to the extent possible, especially indoors.

The Chicago Bulls and Blackhawks are hosting games at full capacity. In outside areas, fans can choose whether to wear a mask. All fans over the age of 11 at Black Hawks and Bulls games are required to show evidence of vaccination or a negative COVID-19 test. As of March 3, 2022, Masks are not optional at the Black Hawks and Bulls Games.

The University of Chicago, Northwestern University, Loyola University Chicago, Northern Illinois University and the University of Illinois are all requiring students to be fully vaccinated with a booster shot if they wish to return to campus for the Spring 2022 semester.

On February 28, 2022, Illinois ended its Mask Mandate within schools.

As of March 3, 2022, 68% of adult residents in the state are fully vaccinated.

On September 5, 2021, vaccines will be required for P-12 teachers and staff, higher education personnel, higher education students, and healthcare workers in settings like hospitals, nursing homes, urgent care facilities and physician's offices. Those who remain unvaccinated will be required to get tested for COVID-19 at least once a week, but may require additional testing in some cases like outbreaks.

### **COVID-19 Legislation**

Illinois has not enacted any liability immunity statutes, however, on June 5, 2020, Governor Pritzker signed into law [Public Act 101-633](#), which addresses worker compensation benefits. The law creates a rebuttable presumption of entitlement to benefits for first responders and essential workers who are exposed to and contract COVID-19. The legislation covers “COVID-19 first responder[s] or front-line worker[s]” which includes police officers, fire personnel, EMTs and paramedics, corrections officers, and all employees working in a healthcare setting (including nursing homes, rehabilitation facilities, and home care workers).

The rebuttable presumption created by the law also applies to people employed by “essential businesses and operations” as defined in the Governor’s Executive Order 2020-10 issued on March 20, 2020. The scope of the law is substantially broadened by the expansive definition of what constitutes “essential businesses and operations” in Illinois as a result of the pandemic under the executive order. The rebuttable presumption applies to cases tried after June 5, 2020 and in which the diagnosis of a COVID-19 related injury was made on or after March 9, 2020 and on or before December 31, 2020.

House Bill 3682 is currently pending and would make it unlawful for an employer in Illinois “to create, implement, or otherwise enforce a workplace vaccination program that requires any employee to demonstrate to the employer that he or she has received a vaccine that was approved under emergency use authorization by the United States Food and Drug Administration.” On the other hand, Senate Bill 2015, which is also pending, would require employees to receive a COVID-19 vaccine, if offered, at certain facilities and departments including veterans’ homes, nursing homes, intensive care unit at University of Illinois Hospital and all other hospitals licensed under the Hospital Licensing Act.

As of October 21, 2021, a group of parents have filed a lawsuit against 145 Illinois school districts, the Illinois State Board of Education, and Governor JB Pritzker. The school districts named in the lawsuit are all over the state, including many in the Chicago suburbs. The lawsuit demands that county health departments issue guidance on masks, in-person learning and quarantining students — instead of state leaders and school districts. The lawsuit also wants a court order in place to guide statewide mandates, in place of the governor's executive order.

On November 12, 2021, Gov. J.B. Pritzker signed into law a change to the Illinois Health Care Right of Conscience Act that would allow those who refuse the COVID-19 vaccine to potentially face repercussions.

**Chicago:** On June 11, 2021, Chicago joined the rest of Illinois and entered Phase Five.

On June 29, 2021, Chicago’s travel order was downgraded to an advisory. As of March 3, 2022, the city's COVID-19 quarantine advisory includes 47 states and one territory.

Of note, the City enacted the [Chicago COVID-19 Vaccine Anti-Retaliation Ordinance](#) which protects both employees and independent contractors. In short, the ordinance requires that employers provide paid time off to get vaccinated and prohibits retaliation for getting vaccinated during scheduled work hours. If the employer does not require its employees to get vaccinated, they must allow the worker to use paid time off. If an employer requires vaccinations, the employer must also compensate the worker for up to four hours per done and the employer cannot require the worker to use paid time off. Employers who violate the ordinance are subject to fines of between \$1,000 and \$5,000. Aggrieved employees may also pursue a civil action against the employer to recover reinstatement of their position or damages equal to three times the full amount of wages that would have been owed had the retaliatory action not taken place, as well as attorney’s fees and costs.

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*Information for Illinois was updated March 3, 2022*

## **INDIANA**

### **Operative Plans and Orders:**

[Indiana Executive Orders](#)

[Marion County Executive Orders](#)

### **Relevant Websites:**

[Indiana Novel Coronavirus \(COVID-19\)](#)

**There is no mask mandate in the Indiana. As of April 6, 2021 decisions about venue capacity and social gatherings are up to local officials rather than state officials. All individuals 18 and above in Indiana are eligible to get vaccinated with either the Pfizer, Moderna or Johnson and Johnson Vaccine. Residents between the age of 5-18 are allowed to receive the Pfizer vaccine.**

### **Statewide General Restrictions:**

The State has deemed places of worship and religious services to be essential. Accordingly, the State encourages worship services to be conducted remotely, but it gives [guidance](#) for in-person services such as practicing social distancing and wearing face coverings. Additionally, travel is permitted including public transportation so long as social distancing is practiced.

Since April 6, 2021, the ability to enforce whether businesses must submit a plan showcasing how they are combating COVID-19 is now left in the hands of county officials.

As of March 3, 2022, the decision of whether to impose mask mandates is left to local school boards with many schools no longer requiring masking.

As of March 3, 2022, 54% of Indiana residents are fully vaccinated.

### **COVID-19 Legislation:**

The Indiana Senate on January 28, 2021, passed legislation that gives businesses, not-for-profits, schools and religious institutions immunity from COVID-19 civil liability lawsuits. The law shields businesses and individuals from coronavirus civil liability lawsuits unless there was gross negligence or willful or wanton misconduct that could be proven with “clear and convincing evidence.” The law specifically protects individuals, associations, institutions, corporations, companies, trusts, limited liability companies, partnerships, political subdivisions, government entities and “any other organization or entity.” It also shields businesses that produce pandemic-related materials, such as personal protective equipment, and provides immunity for medical providers who were required to delay non-emergency procedures at several points throughout the year due to executive orders from Gov. Eric Holcomb. It does not affect worker’s compensation claims. The legislation is retroactive to March 1, 2020 and is in effect through December 31, 2024.

Governor Eric Holcomb, on May 4, 2021, vetoed a bill that would limit the authority of local health departments to issue orders during an emergency. Holcomb wrote in a letter announcing his veto that having local health departments respond to the COVID-19 pandemic has been a key part of the effort to combat the disease in the state. On May 11, 2021 the veto was overridden by the legislature, passing the legislation. The new legislation, Senate Bill 5, requires local health departments to get approval from the local legislative bodies and mayors if a city seeks to enact health orders that are more strict than statewide restrictions.

On April 22, 2021, Indiana Lawmakers passed House Bill 1405, prohibiting state and local governments from mandating vaccine passports. Since the passage of this bill, there has been some confusion as to whether this law applies to the University of Indiana which has mandated that students be vaccinated. Students at Indiana University filed a federal lawsuit on June 21, 2021, suing the school over its COVID-19 vaccination requirement. The lawsuit alleges that the university violates students' rights as well as Indiana's vaccine passport law. The recently passed law prohibits state and local governments from creating or requiring vaccine passports. In the lawsuit, the students claim that they are being coerced into vaccination and that if they do not comply, they face "the threat of virtual expulsion from school." On July 19, 2021, A federal judge rejected the lawsuit and upheld the University's right to require vaccination. The case was brought to the Supreme Court who denied a review of the case, leaving the decision in the hands of lower courts. As of October 21, 2021, the vaccination policy is still in effect for the university.

The Public Readiness and Emergency Preparedness (PREP) Act was enacted in 2005 to provide immunity from liability for actions undertaken to combat epidemics and pandemics. Under the PREP Act, the Secretary of Health and Human Services is able to issue a declaration invoking the PREP Act's protections in a public health emergency. The Act has been used as a liability shield for first responders to the COVID-19 pandemic and is accessible [here](#).

As of November 12, 2021, The attorney general of Indiana has announced his intent to challenge the Biden administration's workplace vaccine mandates in the coming weeks. OSHA will also be challenged in this lawsuit

### **Indianapolis:**

On July 1, 2021, Indianapolis and Marion County lifted all COVID-19 restrictions. Health officials still recommend unvaccinated people continue to wear face coverings and social distance to protect themselves.

On July 29, 2021, the Indianapolis school district indicated that all students and staff will be required to wear a mask indoors. As of March 3, 2022, the Indianapolis school district continues to require face coverings indoors.

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*Information for Indiana was updated on March 3, 2022*

## **IOWA**

### **Operative Plans and Orders:**

[Iowa COVID-19 Proclamations](#)  
[Iowa COVID Liability Bill](#)  
[Proclamation of Disaster March 9, 2020](#)  
[Proclamation of Disaster December 16, 2020](#)

### **Relevant Websites:**

[Iowa COVID-19 Official Website](#)  
[Iowa Department of Public Health](#)

[Iowa Guidance for Social Distancing and Hygiene](#)  
[Iowa Alcoholic Beverages Division COVID-19 Updates](#)

**Governor Reynolds issued a proclamation on February 12, 2021 eliminating all limitations on gatherings and instead only strongly encourages Iowans, businesses and organizations to take reasonable public health measures consistent with guidance from the Iowa Department of Public Health. There is no longer a mask mandate in the state of Iowa and Iowa has never issued a stay at home order. The Delta variant is present in Iowa.**

**Statewide General Restrictions:**

Iowa Governor Kimberly Reynolds issued a Proclamation of Disaster Emergency on March 9, 2020. A series of initial proclamations closed or vastly limited the operation of a wide variety of businesses on a temporary basis particularly beyond essential businesses and gatherings were limited to ten people. In early April 2020, Governor Reynolds ordered schools to be closed along with closing the operation of a multitude of businesses ranging from shopping malls to museums, campgrounds and personal service entities such as fitness centers, swimming pools, barbershops, tattoo parlors and tanning facilities.

On June 18, 2021, Iowa Supreme Court Chief Justice Susan Christensen further eased COVID-19 restrictions in the state's courtrooms. Christensen said judges can use their discretion when it comes to accommodating unvaccinated people in their courtrooms who request additional space. The order also leaves it up to chief judges to set cleaning requirements for court-controlled spaces.

**Vaccine:**

All individuals 18 and above in Iowa are eligible to get vaccinated with either the Pfizer, Moderna or Johnson and Johnson Vaccine. Residents between the age of 12-18 are allowed to receive the Pfizer vaccine.

As of March 3, 2022 61% of Iowans are fully vaccinated.

**COVID-19 Legislation:**

On June 18, 2020, the Governor signed a COVID Liability Bill into law. The law granted immunity from civil damages from injuries stemming from exposure to COVID-19 where there has been substantial compliance with state or federal public health guidance. The law provides protection to businesses including nursing homes and medical facilities as well as nonprofit entities such as churches and schools. The law does not extend liability protection if exposure occurs at the workplace or during any activity managed by the business and the business “recklessly disregards” a substantial risk of infection, commits actual malice, or intentionally exposes the person to COVID-19. These protections were made retroactive to January 1, 2020.

On May 19, 2021, Governor Kim Reynolds signed into law a bill that forbids Iowa schools, counties and cities from requiring face coverings. The law takes effect immediately. Iowa schools may not mandate masks for students, employees or members of the public. Any cities or counties

that still mandate mask use in businesses must lift those restrictions, although individual business owners may still require masks at their discretion. As of September 3, 2021, parents of children with disabilities are suing the state of Iowa in a federal lawsuit claiming that the prohibition on universal masking effectively excludes students with disabilities from public schools and equal access to education in violation of the Americans With Disabilities Act and the Rehabilitation Act. On September 13, 2021 a federal judge ordered the state of Iowa to immediately halt enforcement of the law that prevents school boards from ordering masks to be worn to help prevent the spread of COVID-19.

On May 20, 2021, Governor Reynolds signed a [bill](#), banning the use of vaccine passports, into law. The new law bans government entities, private businesses, and venues open to the public from requiring Iowans to present "vaccine passports" as proof they received the COVID-19 vaccine. The law also bars any government entity or business that requires such proof from receiving any grants and contracts funded by state revenue. It makes exceptions for health and long-term care facilities and would not affect requirements that employers may place on their employees.

As of September 30, 2021, the American Academy of Pediatrics and its Iowa chapter submitted a brief on Tuesday with the federal court judge who is considering a lawsuit seeking to strike down a state law that prohibits school boards from imposing mask mandates in schools. The AAP says cases of pediatric COVID-19 have skyrocketed since the school year began. The group says it's clear that universal mask policies in schools significantly reduce the spread of COVID-19.

On October 29, 2021 Iowa Gov. Kim Reynolds signed into law a bill that allows Iowa workers to seek medical and religious exemptions from COVID-19 vaccine mandates and guarantees that those who are fired for refusing a vaccine will qualify for unemployment benefits.

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*Information for Iowa was updated on March 3, 2022*

## KANSAS

### Operative Plans and Orders:

[Executive Order 20-68](#) (November 18, 2020)

[Executive Order 20-52](#) (July 2, 2020)

[Executive Order No. 20-26](#) (April 22, 2020)

[COVID-19 Response and Reopening for Business Liability Protection Act](#)

### Relevant Websites:

[Kansas COVID Website](#)

**Kansas did not issue sweeping COVID-19 restrictions, but instead allows each individual county to choose what restrictions will be to enact and enforce. The legislature passed a law that suspends all of Governor Kelly's emergency orders and allows the legislators to void any orders that she reissues. All individuals 18 and above in Kansas are eligible to get vaccinated with either the Pfizer, Moderna or Johnson and Johnson Vaccine. Residents between the age of 5-18 are allowed to receive the Pfizer vaccine.**



## **Statewide General Restrictions:**

The Emergency Order enacted in March 2020 was allowed to expire on June 15, 2021.

Kansas no longer issues health directives or restrictions in response to the COVID-19 pandemic. Rather, Kansas leaves it up to each of its 105 individual counties to either implement the State's reopening plan or establish their own COVID-19 response. However, the State offers each of its counties a four-phased guidance package called [Ad Astra: A Plan to Reopen Kansas](#). On April 1, 2021, the State Congress repealed the statewide mask mandate.

Due to rising cases of the Delta Variant, Governor Kelly has recommended that masks be worn in schools. The decision to mandate masks is ultimately up to individual school districts.

As of March 3, 2022, 60% of Kansas Residents are fully vaccinated.

A number of hospitals across Kansas including Saint Luke's Health System in Kansas City have begun to mandate vaccinations for their employees.

## **COVID-19 Legislation**

On April 22, 2020, Governor Laura Kelly issued [Executive Order No. 20-26](#), which provides that health care providers making clinical decisions regarding, issuing treatment for, or advice to patients with or suspected to have COVID-19 are immune from civil liability. However, the order does not extend liability protection for injuries caused by willful misconduct, gross negligence, recklessness, or bad faith.

In addition, Kansas passed the "[COVID-19 Response and Reopening for Business Liability Protection Act](#)," which provides liability protection for businesses from COVID-19 related civil lawsuits. For businesses specifically, the Act provides that "a person conducting business in Kansas shall be immune from liability in a civil action for a COVID-19 claim" so long as the person or entity was acting pursuant to a public health order(s). Moreover, the Act provides that a person or entity shall be immune from liability in a civil action alleging a products liability claim if the person was acting in compliance with a public health order(s). This Act does not cover actions that were willful, wanton, or with reckless disregard of a known, substantial, and unnecessary risk of harm or injury to others.

*Information for Kansas was updated on March 3, 2022*

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# **KENTUCKY**

## **Operative Plans and Orders:**

[May 25, 2020 CHFS Order](#)  
[May 22, 2020 Executive Order 2020-415](#)  
[May 20, 2020 CHFS Order](#)  
[May 18, 2020 CHFS Order](#)  
[May 11, 2020 CHFS Order](#)

[May 9, 2020 CHFS Order](#)  
[Healthy at Work- Reopening Kentucky](#)

**Relevant Websites:**

[Official State of Kentucky COVID-19 Website](#)  
[Kentucky's Response to COVID-19 Timeline](#)

**Kentucky Governor Andy Beshear declared a state of emergency in Kentucky on March 6, 2020 as a result of COVID-19. Final capacity restrictions related to COVID-19 ended on Friday, June 11, 2021. The same day, the state also eliminated the mask mandate for all Kentuckians with the exceptions of places where people are the most vulnerable. All individuals 18 and above in Kentucky are eligible to get vaccinated with either the Pfizer, Moderna or Johnson and Johnson Vaccine. Residents between the age of 5-18 are allowed to receive the Pfizer vaccine.**

**General Restrictions:**

On May 19, 2021, the Supreme Court entered two administrative orders that eliminate most of the health and safety requirements related to COVID-19 and further expand in-person court operations. Administrative Order 2021-16 replaces Administrative Order 2021-06 in its entirety and Administrative Order 2021-17 replaces Administrative Order 2021-07 in its entirety.

On September 10, 2021, the Kentucky Legislator voted to eliminate a statewide mask mandate for K-12 education and shifted the decision to local school boards.

As of March 3, 2022, 57% of Kentucky residents are fully vaccinated.

The University of Kentucky, Bellarmine University and Centre College all mandate that their students are vaccinated.

In response to the increased presence of the Delta Variant, on July 20, 2021, Beshear and state health commissioner Dr. Steven Stack have advised Kentuckians to follow this guidance:

- Unvaccinated Kentuckians should wear masks indoors when not in their home.
- Kentucky residents with pre-existing conditions and thus at higher risk of contracting COVID-19 should wear masks even if vaccinated.
- Vaccinated Kentuckians whose work lends them to "significant public exposure" like the hospitality or restaurant industry, should consider wearing masks.
- Eligible Kentuckians should [get vaccinated](#) immediately.

**COVID-19 Legislation**

Another priority bill winning final passage on January 9, 2021 limits the governor's executive orders in times of emergency to 30 days unless extended by lawmakers. It would apply to orders that place restrictions on in-person meetings of schools, businesses and religious gatherings or impose mandatory quarantine or isolation requirements. On January 19, 2021, Governor Beshear vetoed these bills, which aimed to limit the power of his executive order. In defending his vetoes, Beshear said the measures would hamper the state's efforts to combat the deadly COVID-19

pandemic until vaccinations become widespread. The governor also said the bills would amount to an unconstitutional restriction on a governor's ability to respond to emergencies. On August 21, 2021 the Kentucky Supreme Court said the legislature wields policy-making authority to limit the emergency powers granted to the governor by state law, upholding the bill to limit the governor.

Kentucky enacted [SB 150](#), which became effective March 30, 2020 and provides liability protection for health care providers from COVID-19 related civil lawsuits as long as the health care provider was acting in good faith with respect to the treatment or care of a COVID-19 patient. The law states the health care provider will have a defense to civil liability for ordinary negligence for personal injury resulting from treatment or failure to provide treatment.

On April 9, 2020, Governor Beshear issued [Executive Order 2020-277](#), which expanded worker compensation benefits to workers who are at a higher risk of contracting COVID-19 due to their jobs. The order states that certain workers, such as healthcare workers, are presumed to be injured due to "occupational exposure" at work and entitled to benefits.

On April 11, 2021 Senate Bill 5 became law when the Governor declined to sign or veto it. This law provides immunity from COVID-19-related negligence actions to premises owners and essential service providers working to prevent the spread of the virus. As long as business owners comply with executive actions for COVID-19 safety (including federal, local, and industry-specific guidelines), SB 5 provides immunity from negligence lawsuits by patrons who may have been exposed to the virus on the business's premises. The law also protects businesses that are working to treat the virus, and services performed outside the normal course of business in response to the pandemic. Despite the wide immunity it offers, the new law does not protect business owners who act in a malicious or grossly negligent manner, or who intentionally ignore executive orders relating to the declared COVID-19 emergency. The other group protected by the codified version of SB 5 is essential service providers, which includes teachers, home healthcare workers, funeral home employees, and local government employees among others.

The Kentucky Supreme Court on February 24, 2022 overturned a lower court ruling involving a northern Kentucky business and COVID-19 restrictions, saying the business had not suffered injuries as it claimed and had no standing to pursue their case. Bean's Café and Bakery was one of the businesses that sued Gov. Andy Beshear, Cabinet for Health and Family Services Secretary Eric Friedlander and State Public Health Commissioner Dr. Steven Stack in 2020 over executive orders issued in response to the pandemic. After the General Assembly enacted legislation in 2021 that limited the scope and time of emergency executive orders and allowed businesses to comply with either the governor's orders or CDC guidance, whichever was less restrictive, Beans continued to pursue the case in Boone Circuit Court, with the judge ruling in favor of the business. The justices held that to sustain standing after Feb. 2, 2021, the effective date of that new legislation, Beans had to have injury that was either actual or imminent. Beans plainly had no such actual or imminent injury post-February 2, 2021, and the Boone Circuit Court never found evidence of injury because Beans experienced no interference whatsoever with its choice to develop a CDC-compliant plan and operate accordingly. So, no actual injury occurred, the justices ruled.

Attorneys general in Kentucky sued the Biden Administration on November 4, 2021, over the vaccine mandate for employees of federal contractors. The lawsuit, filed in the United States District Court for the Eastern District of Kentucky, asserts the Biden administration's mandatory vaccination requirement is unlawful and unconstitutional.

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*Information for Kentucky was updated on March 3, 2022*

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## **LOUISIANA**

### **Operative Plans and Orders:**

[Phase 3 Order \(Sep. 11, 2020\)](#)

[Return to Phase 2 Order](#)

[Executive Proclamation 18-JBE-2022 \(February 15, 2022\)](#)

[Executive Proclamation 17-JBE-2022 \(February 15, 2022\)](#)

### **Relevant Websites:**

[Governor John Bel Edwards COVID-19 Resources](#)

[Resources Louisiana Department of Health COVID-19 Information](#)

[Louisiana Department of Health COVID-19 Vaccination Information](#)

Louisiana Governor John Bel Edwards did not renew the State's Emergency Declaration which expired on March 16, 2022. On May 26, 2021, Governor John Bel Edwards signed an updated public health emergency order that removed all remaining business capacity restrictions, and the vast majority of masking requirements.

New Orleans has rolled back all COVID-19 restrictions. Private businesses may implement their own requirements, but the City is no longer requiring masking and proof of vaccination/negative test. However, in line with federal requirements, masks are still required on public transportation and in long-term care settings.

Smoothie King Center, home of the NBA's New Orleans Pelicans, is in line with city guidance and is no longer requiring masks and proof of vaccination/negative tests. The Center is maintaining cashless operations.

Vaccinations are mandatory for students at most Louisiana public universities for the spring semester after the FDA's approval of Pfizer's vaccine. The system includes LSU, Grambling State, McNeese State, Nicholls State, Northwestern State, Southeastern Louisiana, University of Louisiana at Lafayette, University of Louisiana at Monroe and the University of New Orleans. In addition, many private colleges and universities have also instituted vaccine mandates including Tulane University and Xavier University.

Ochsner Health requires all staff to be vaccinated. Ochsner is the largest health system in Louisiana and the latest major employer in the state to announced a vaccine mandate after the Pfizer-BioNTech shot gained full approval from the U.S. Food and Drug Administration on Monday.

**On September 23, 2021, a Louisiana state court judge in Lafayette dismissed a lawsuit filed by 48 employees and contractors of Ochsner seeking to have the hospital's COVID-19 vaccine mandate declared unlawful. The judge ruled that the employees did not have a cause of action because the hospital system is a private employer, not a state actor whose actions can be declared unconstitutional, and because the plaintiffs were "at will" employees who, in Louisiana, can be fired for any lawful reason. Another lawsuit was filed by a different group of employees on October 5, 2021.**

**Several major energy companies are mandating the COVID-19 vaccine, a move that impacts thousands of Louisiana onshore and offshore oil and gas workers. A negative COVID-19 test was already a requirement for most facilities over the past year and individuals who tested positive were required to quarantine.**

**Workers in oil refineries across Texas and Louisiana owned by Valero Corporation are required to get the vaccine for work. Chevron is now mandating vaccines for workers traveling internationally, employees on U.S.-flagged ships and those working offshore in Gulf of Mexico. The employees must get vaccinated by November 1, 2021. Chevron has an interest in roughly a dozen offshore oil and gas platforms in the Gulf. Hess Corporation, with exploration headquarters in Houston, is also requiring workers to get the vaccine by the same deadline. Shell already requires employees and contractors to undergo a medical screening for symptoms COVID alongside a negative test within 48 hours of departure, but no vaccine mandates.**

**Anyone 5 years and older is eligible to receive a COVID-19 vaccine in Louisiana with those from age 5 through 17 limited to the Pfizer vaccine in accordance with FDA guidelines and approval. Pfizer booster shots are available for those 12 to 17 years old, and for those 18 and older all boosters are available. Currently, 53.2% of the people living in Louisiana are fully vaccinated against COVID-19.**

On June 16, 2020, Governor John Bel Edwards signed [Act No. 336](#) relating to the limitation of liability during the COVID-19 public health emergency into law. The Act grants broad liability immunity for claims against businesses and government entities for injuries "resulting from or related to actual or alleged exposure to COVID-19" unless the plaintiff can show the defendant failed to "substantially comply" with applicable federal, state, or local procedures regarding business operations and "acted with gross negligence or wanton or reckless misconduct." Additionally, the Act limits liability for exposure claims against event organizers unless the damages were caused by "gross negligence or wanton or reckless misconduct."

The Act limits the liability of anyone designing, manufacturing, labeling, or distributing personal protective equipment ("PPE") for claims of injuries cause by PPE unless the damages were caused by "gross negligence or wanton or reckless misconduct" and similarly limits the liability of persons using, employing, dispensing, or administering PPE. Finally, the Act addresses worker compensation claims, stating that employees who contract COVID-19 are prevented from bringing tort claims against employers unless the exposure was intentional.

On June 13, 2020, Governor Edwards signed [HB 826](#), which provides for the limitation of liability during the coronavirus for certain property owners, persons, state and local governments, and business operations. The Act also states that an employee whose contraction of COVID-19 is determined to be compensable under the Louisiana Workers' Compensation Law shall have no remedy based in tort for such exposure against his employer, joint employer, borrowed employer, statutory employer, any other person or entity listed in R.S. 20 23:1032(A)(1)(b), and any other person or entity potentially liable pursuant to the Louisiana Workers' Compensation Law unless the exposure was intentional.

Governor Edwards approved [SB 435](#), which states that no person, state or local government, or political subdivision will be liable for damages or personal injury resulting from or related to an actual or alleged exposure to COVID-19 in the course of or through the performance or provision of the person's, government's, or political subdivision's business operations unless that entity acted with wanton or reckless misconduct.

Governor Edwards approved [SB 491](#), which limits the liability for rendering disaster relief, recovery services or products during a declared state of emergency. Governor Edwards has also approved [SB 508](#), which limits liability for restaurants during the coronavirus public health emergency, unless the injury or death was caused by gross negligence or willful and wanton misconduct.

On June 18, 2021, the LSU board of supervisors narrowly approved a resolution asking the Louisiana Department of Health to add the COVID vaccines to the list of shots required before students can attend public schools, colleges, and universities. The Board's resolution acknowledges the concerns raised by faculty and students, requests the health department to consider adding the COVID-19 vaccine to the required list, and encourages voluntary vaccinations on LSU campuses. Upon further discussion, the Board added language that LSU would also inform students of their legal rights to opt out of any vaccination.

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*Information for Louisiana was updated on April 5, 2022*

## MAINE

### Operative Plans and Orders:

[Moving Maine Forward Plan](#)  
[Executive Orders](#)

### Relevant Website:

[Maine COVID-19 Website](#)  
[COVID-19 Business Prevention Checklists](#)

The [Moving Maine Forward Plan](#) has been updated to lift most capacity limits and physical distancing requirements, the State of Civil Emergency [expired](#) on June 30, 2021. In accordance with CDC Guidelines, fully-vaccinated people are not required to wear masks



**indoors or outdoors. Capacity limits and social distancing requirements were also lifted. Currently 79.2% of the total population is fully vaccinated, and 89.9% has received one dose.**

As of March 9, 2022, masking in schools is no longer recommended.

Governor Mills' [Framework for Reopening Schools](#) was updated for the 2021-2022 school year on January 13, 2022. Some universities within Maine are requiring students to be fully vaccinated for the 2021-2022 school year. A full listing can be found [here](#).

Maine received federal approval on November 23, 2021 to utilize [\\$126 million in funds from the American Rescue Plan for bonus payments](#) to Direct Support Workers. The payments will go out to home- and community-based services, direct support workers, and shared-living providers. The funds will be distributed in two waves, the first beginning in January, 2022.

Portland's Mask Mandate expired on February 17, 2022. As of April 1, 2022 proof of vaccination is [no longer required](#).

[Cross Insurance Arena](#) is not requiring proof of vaccination for entry. Guests are strongly recommended to wear masks but not mandated.

Maine courts completed their 5 Phase Opening Plan and issued the [Post-Pandemic Management Order](#) on June 1, 2021. The most recent update to the Order, [PPMO-SJC-1](#), removes the masking mandate to enter courthouses, but smaller settings may still require masks.

Per [Administrative Order JB-21-05](#), the preferred format for all trial proceedings is telephone or video. Unless a presiding judge orders otherwise, all depositional conference, non-testimonial hearings, status conferences, uncontested final hearings in family matters cases, pretrial or discovery conferenced, and stipulated judicial reviews in child protection cases will be held by video or telephone.

On [September 1](#), 2021, [Public Law, Ch. 154](#), which limits possible exemptions from vaccine requirements, came into effect. The legislation was originally signed on May 24, 2019.

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*Information for Maine was updated on April 19, 2022*

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## **MARYLAND**

### **Operative Plans and Orders:**

[COVID-19 Pandemic: Orders and Guidance](#)

### **Relevant Websites:**

[Maryland Strong](#)

Governor Hogan [announced](#) that effective February 22, 2022 masks will no longer be required for State buildings. Businesses may set their own policies regarding masks. Currently Maryland is [reporting](#) that 75.4% of the population are fully vaccinated, with 86.2% receiving one dose.

Governor Hogan [continues to advise caution and vaccination](#) and has expanded COVID-19 surveillance efforts. However, Maryland does not have plans to establish additional restrictions or requirements in response to the Omicron variant of the COVID-19 virus.

The State issued revised [guidance](#) for K-12 schools and strongly recommends, but does not require, wearing face coverings in all indoor settings. The guidance, however, leaves it to the local school systems to set their own policies. [Baltimore County Public Schools](#) is requiring all school system employees provide proof of vaccination or submit to weekly COVID-19 testing and has implemented a mask requirement.

Montgomery and Prince George Counties are requiring negative COVID tests for students returning from Spring Break.

Some Maryland universities are requiring students to be fully vaccinated for the 2021-2022 school year, including the University of Maryland (College Park, Baltimore, Baltimore County, Global Campus, Eastern Shore, Center for Environmental Science). A full listing can be found [here](#).

As of August 18, Maryland requires [all nursing home and hospital workers](#) be vaccinated or comply with strict screening and testing requirements.

On January 4, 2022, Governor Hogan instituted [Executive Order 22-01-04-02](#) which augments Emergency Medical Service personnel and [Executive Order 22-01-04-01](#) which regulates Hospital Personnel and other matters.

[Effective October 18, 2021](#), all employees of the city of Baltimore must show proof of vaccination or submit to weekly testing. The City will provide incentives to employees who show proof of vaccination.

The United States District Court for the District of Maryland issued an [Amendment to Standing Order 2021-16](#) which suspended all jury selections until February 14, 2022. Per [Standing Order 2022-01](#) masks are required for entry. A listing of all orders can be found [here](#).

The Maryland Judiciary returned to normal operations on April 4, 2022. Previously scheduled may proceed as scheduled, and courts are still advised to make use of remote proceedings to the greatest extent possible. The current status of the courts can be found [here](#).

*Information for Maryland was updated on April 19, 2022*

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## MASSACHUSETTS

### Operative Plans and Orders:

[MA Phased Reopening Report](#) (May 18, 2020)  
[Continued Reopening Plan](#) (April 27, 2021)

### Relevant Websites:

[MA COVID-19 website](#)  
[MA COVID-19 Reopening website](#)

**All state-wide restrictions imposed by the Commonwealth, including gathering limitations, capacity limitations and the mask mandate (with certain exceptions) were rescinded on May 29, 2021. The State of Emergency expired on June 15, 2021.**

On March 23, 2020, Governor Charlie Baker ordered all non-essential businesses within the Commonwealth of Massachusetts to close and issued a Stay at Home advisory to all residents. On May 18, 2020, Governor Baker announced a four-phase reopening plan. Massachusetts advanced through all phases of the reopening plan culminating on May 29, 2021, when all businesses were permitted to open at full capacity with no restrictions and the prior gathering limitations were rescinded.

The statewide mask mandate ended on May 29, 2021, however masks are still required (regardless of vaccination status) at healthcare facilities, congregate care settings, houses of correction and for all home health care workers. The mask mandate for K-12 schools throughout the Commonwealth ended on February 28, 2022. Likewise, the City of Boston lifted their mask mandate on March 5, 2022.

All Massachusetts Executive Department employees were required to be fully vaccinated by October 17, 2021, or be subject to disciplinary action including termination. In addition, all employees and contractors of long-term care facilities, rest homes, assisted living residences and home health care workers in the Commonwealth were required to be fully vaccinated by October 31, 2021.

Massachusetts began a 3-phase vaccine rollout in December 2020. All individuals ages 16 and older are eligible to receive the vaccine, and all individuals ages 12 and older may receive the Pfizer vaccine. As of April 18, 2022, over 5.4 million Massachusetts citizens (79% of the population) are fully vaccinated, and over 2.7 million citizens (40% of the population) have received a booster dose.

Certain Massachusetts colleges and universities (Northeastern University, Boston University, Emerson College, and UMASS to name a few) required students to be fully vaccinated prior to returning to campus for the Fall 2021 semester. Two UMASS undergraduate students unsuccessfully filed a lawsuit on July 30, 2021 arguing that the school lacks legal authority to require students to be fully vaccinated prior to coming back to campus, and that the requirement violates their constitutional rights. Their Complaint was dismissed on August 27, 2021.

On September 29, 2021, Governor Charlie Baker extended the Massachusetts Emergency COVID-19 Paid Sick Leave Law. However, the program ended on March 15, 2022.

On April 17, 2020, Governor Baker signed into law [Chapter 64 of the Acts of 2020](#), entitled “An Act to Provide Liability Protections for Health Care Workers and Facilities During the COVID-19 Pandemic.” The law provides immunity from suit and civil liability to health care professionals, health care facilities and volunteers for any damages allegedly sustained due to negligence in the course of treating COVID-19 patients. Like similar legislation in other states, the Act does not

provide immunity for gross negligence, recklessness, or conduct with an intent to harm or to discriminate based on race, ethnicity, national origin, religion, disability, sexual orientation or gender identity. Importantly, this liability shield is limited to the health care space. Massachusetts does not have any similar law, statute or regulation that applies to other businesses.

*Information for Massachusetts was updated on April 20, 2022*

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## MICHIGAN

### Operative Plans and Orders:

[Executive Order No. 2020-99 - State of Emergency](#)  
[MI Safe Schools - Return to School Roadmap](#)  
[House Bill 6030](#)  
[House Bill 6031](#)

### Relevant Websites:

[MI Safe Start: A Plan to Re-Engage Michigan's Economy](#)

**On June 22, 2021, Michigan's remaining coronavirus orders, including mask mandates for people not fully vaccinated and capacity limits on businesses were lifted. On March 3, 2022 most state employees in Michigan no longer have to wear face covering indoors, masking is still required in places like health care facilities and prison.**

### General Statewide Restrictions:

Michigan's reopening plan is designated as the "[MI Safe Start Plan](#)" with six different pandemic phases: (1) uncontrolled growth; (2) persistent spread; (3) flattening; (4) improving; (5) containing; and (6) post-pandemic. Michigan is tracking COVID-19 cases by its eight regions. Michigan now posts "Outbreak Reporting" on the State's governmental website which contains a table showing the number of outbreaks reported by region and "setting" (such as bars, restaurants, offices, personal services, healthcare, etc.) the table can be found at: [Michigan COVID-19 Outbreak Reporting Table](#).

On June 1, 2021, all outdoor capacity restrictions were lifted.

Effective on May 15, 2021, in accordance with new CDC guidelines, fully vaccinated people are no longer required to wear masks in indoor or outdoor settings. Businesses can still require patrons to wear masks despite their vaccination status.

Marquette University, Michigan State, Central Michigan State and the University of Michigan are requiring students to be fully vaccinated, including booster, if they wish to return to campus for the Spring 2022.

### Vaccine:

The State's vaccination plan can be found at: [Michigan COVID-19 Vaccine Plan](#). All individuals 18 and above in Michigan are eligible to get vaccinated with either the Pfizer, Moderna or Johnson and Johnson Vaccine. Residents between the age of 5-18 are allowed to receive the Pfizer vaccine.

As of March 3, 2022, 60% of Michigan residents are fully vaccinated.

On October 21, 2021, Governor Whitmer indicated that Michigan will not order employers to adhere to a COVID-19 vaccination and testing requirement that is stricter than one planned by the Biden administration.

### **COVID-19 Legislation:**

On October 2, 2020, the Michigan Supreme Court issued a decision responding to certified questions from the United States District court for the Western District of Michigan stemming from a lawsuit filed by three medical centers against the Governor challenging an executive order prohibiting nonessential procedures during the pandemic. The Court ruled that Governor Whitmer had no authority to issue or renew executive orders relating to the COVID-19 pandemic after April 30, 2020. The ruling invalidated the Governor's prior orders effective October 23, 2020. Then, on Monday, October 12, 2020 the Michigan Supreme Court denied Gov. Whitmer's request to delay the effect of the court's ruling that the executive orders relating to the pandemic are unconstitutional. The court wrote that the decision "leaves open many avenues" for the Governor and the Legislature "to work together in a cooperative spirit and constitutional manner respond to the COVID-19 pandemic."

On October 22, 2020, Governor Whitmer signed three bills into law establishing both a liability shield for employers in the State and job protections for employees in connection with the pandemic. Michigan House Bills 6030, 6031 and 6032 were made retroactively effective to March 1, 2020. The first, the COVID-19 Response and Reopening Liability Assurance Act sets forth liability standards for tort claims stemming from alleged exposure to the virus. HB 6031 amends the Michigan Occupational Safety and Health Act to provide liability protections to employers as long as the employer has complied with federal and state statutes or regulations, executive orders, state agency orders and public health guidance related to the virus. HB 6032 provides protections to employees by prohibiting an employer from taking adverse steps against employees who comply with requirements to not report to work due to COVID-19, oppose a violation of law or report health violations related to the virus. This last statute prohibits employees with positive test results, suffering from symptoms related to the virus or in close contact with the person who test positive from reporting to work for 14 days.

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*Information for Michigan was updated on March 3, 2022*

## **MINNESOTA**

### **Operative Plans and Orders:**

[Minnesota Executive Orders](#)

[Stay Safe Plan](#)

[Emergency Executive Order 20-103](#)

### Relevant Websites:

[Minnesota COVID-19 Response](#)

[Minneapolis COVID-19 Resources](#)

[Minnesota COVID-19 Industry Reopening Guidance](#)

**Minnesota lifted all COVID-19 related restrictions on May 28, 2021, however, masks are still required in schools, child-care settings, medical facilities, prisons, homeless shelters, on airplanes and public transportation.**

Minnesota Governor Tim Walz declared a state of emergency on March 13, 2020, followed by additional orders every month thereafter. An emergency stay-at-home order went into effect on March 28, 2020, which expired on May 18, 2021. Bars, restaurants, and other similar venues were closed on March 16, 2020 while still allowing take-out and delivery services. The “COVID-19 Peacetime Emergency” was extended by Executive order through January 13, 2021.

Minnesota began a four-step “Stay Safe” reopening plan on May 18, 2020. On May 28, 2021, all gathering limits were lifted and businesses are no longer be subject to occupancy limits, distancing or other sector-specific requirements.

Governor Walz lifted the statewide mask mandate on May 14, 2021, but the Minnesota Department of Health still encourages those who are unvaccinated to continue to wear masks. Masks remain required in schools, child-care settings, medical facilities, prisons, homeless shelters, on airplanes and public transportation.

On October 12, 2020, the Department of Health issued new guidelines permitting indoor visits at most senior homes as long as there are no positive test results in the preceding two weeks and the infection rate in the county in which the facility is located is less than 10%. The State continues to recommend that long-term care facilities limit visitors per resident at any given time as well as limiting the duration of indoor visits.

As of September 8, 2021, all Minnesota government employees must show proof of full vaccination or submit to weekly testing before they will be permitted into their workspace.

Statewide guidance and updates for schools can be found on the Minnesota Department of Education website at [Department of Education COVID-19 Updates](#) including the current version of the “Safe Learning Plan.”

As Minnesota’s COVID-19 vaccine rollout continues for individuals ages 12 and older, as of March 14, 2022, [3,864,921](#) people have been fully vaccinated, marking 68% of the state’s total population, [4,203,775](#) people, or 74% of the state’s population have received at least one dose of the vaccine, and [2,174,498](#) Minnesotans have received a booster dose, marking 39% of the population. On October 27, 2021, Governor Walz announced Minnesota’s plan to administer the Pfizer vaccine to children from ages 5 to 11.

As of January 6, 2022, the cities of [Minneapolis](#) and [St. Paul](#) reinstated mask mandates. In The Minneapolis masks are required in bars, restaurants, schools, recreational facilities, and stores. In



St. Paul, masks are required in all businesses with city licenses, which covers essentially all public or commercial establishments within the city.

On February 10, 2022, the cities of Minneapolis and St. Paul rescinded certain vaccine and testing mandates initially implemented on January 19, 2022. The mandates had required patrons at restaurants, bars, and other businesses that serve food and drinks to show proof of vaccination or proof of a negative COVID-19 test taken within 72 hours of attending the business.

A group of Minnesota parents known as Parents Advocating for Safe Schools (PASS) filed a [lawsuit](#) against the state of Minnesota and Governor Walz seeking a statewide school mask mandate that would provide students an “adequate” education in which to learn, and without masks, schools are unsafe. The lawsuit was [rejected](#) in mid-September by Judge Thomas Gilligan who remarked that the court was gravely concerned regarding the risks of COVID-19 for children but at the end of the day, the court lacks the legal authority to order Governor Walz to issue such a mandate.

Multiple Minnesota [institutions of higher](#) education implemented vaccine requirements for students and staff returning for the 2021-22 academic school year, including: Augsburg University, Carleton College, College of St. Benedict, Gustavus Adolphus College, Hamline University, Macalester College, Minnesota College of Art and Design, the Minnesota State Colleges and Universities system, Mitchell Hamline School of Law, St. Catherine University, Saint Mary’s University of Minnesota, St. John’s University, St. Olaf College, the College of St. Scholastica, University of Minnesota (with FDA approval), and the University of St. Thomas.

On September 27, 2021, nearly 200 Minnesota healthcare workers filed a [federal lawsuit](#) against a number of defendants including the CDC, the Centers for Medicare and Medicaid Services, the Mayo Clinic, Allina Health, and M Health Fairview, regarding the pending vaccination requirements that are required to keep their jobs. The lawsuit stems from numerous Minnesota healthcare facilities requiring their staff to become fully vaccinated or risk losing their job. The plaintiffs, while requesting to remain anonymous for fear of employer retaliation and social ostracism, include multiple doctors, nurses, technicians, and other staff. On October 13, 2021, U.S. District Judge Nancy Brasel held a [hearing regarding the lawsuit](#) and denied the plaintiffs’ request, but did not dismiss the case. An additional [lawsuit](#) was filed by nearly 300 parents at the Rock Ridge Public School District seeking a temporary restraining order on the district’s mask mandate and ultimately for the district to lift its mask mandate.

Minnesota has not enacted any formal liability protection for businesses or other entities related to COVID-19 civil lawsuits. However, there are pending bills in both the House and Senate regarding liability protection for COVID-19 related claims.

On April 8, 2020, [Minn. Laws 2020, Chapter 72](#) amended State law relating to worker compensation claims by creating a presumption that an employee who contracts COVID-19 has a covered occupational disease arising out of his or her employment. The law applies to individuals employed as police officers, firefighters, paramedics and EMTs, nurses, health care workers, people working as employees in healthcare, homecare or long-term care settings with direct COVID-19 patient care or support of work.

The statute also provides for protection to workers required to provide childcare to first responders and healthcare workers. The act requires that an employee's contraction of the virus be confirmed by a positive laboratory test. The causation presumption is rebuttable only if an employer (or worker's compensation insurer) shows that the individual's employment was not a direct cause of the disease.

*Information for Minnesota was updated on March 24, 2022*

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## **MISSISSIPPI**

### **Operative Plans and Orders:**

[Executive Order 1551](#)

### **Relevant Websites:**

[Mississippi Department of Health Coronavirus Disease](#)

[Mississippi Coronavirus Resources](#)

[Mississippi Vaccination Against COVID-19](#)

Mississippi Governor Tate Reeves issued Executive Order No. 1551 on April 30, 2021 which rescinded and repealed the balance of existing state-imposed pandemic restrictions. The Governor previously ended all state-imposed mask mandates in Mississippi and the full reopening of nearly all businesses in March, 2021. The Governor's order allows county and local municipal authorities to adopt orders, rules, regulations, resolutions and actions that are more strict than those established by the State including capacity limitations and face covering requirements.

There is no statewide travel ban in Mississippi. There is no statewide vaccination mandate and Mississippi is not pursuing the use of a vaccine passport. The State encourages everyone to follow the guidelines issued by the CDC and the Mississippi State Department of Health. The MDH is now recommending that all persons wear a mask in indoor public settings regardless of vaccination status and recommends that everyone 65 years of age or older and those people with a chronic medical condition should avoid all indoor mass gatherings even if vaccinated.

Businesses in Mississippi "are encouraged to make reasonable, good-faith efforts to comply" with the guidelines and regulations issued by the CDC and State Department of Health. The Executive Order also encourages close contact and personal care services to follow stringent guidelines, but they are not mandated.

COVID-19 vaccines are available to all Mississippi residents 12 and older. Persons between the ages of 12 and 18 are eligible only for the Pfizer vaccine in accordance with FDA approval. Currently, roughly 45% of the people living in Mississippi are fully vaccinated against COVID-19.

**Governor Reeves has stated said that President Biden’s new federal vaccine requirements are “clearly unconstitutional.” He expects that Mississippi will join other states in filing a lawsuit challenging the expected OSHA directive when it issues.**

**On June 18, 2021, Governor Reeves announced that the state of emergency regarding the COVID-19 pandemic is ending in August 15, 2021. Additionally, the state will stop all operations with the Mississippi National Guard on July 15, 2021, who were brought in near the beginning of the pandemic to help with COVID-19 testing efforts statewide. Reeves urged residents to continue to follow public health guidance and to get vaccinated, despite the state of emergency being lifted.**

**Despite the rampant resurgence of COVID-19 cases in Mississippi triggered by the surging Delta variant, the Governor has repeatedly stated that he will not be issuing any executive orders mandating that masks be worn in schools for the upcoming academic year. The Mississippi Department of Health now strongly recommends that all individuals, regardless of vaccination status, wear masks in indoor settings coupled with social distancing.**

**More than 20,000 students in Mississippi are currently quarantining after being exposed to COVID-19 at school in the first weeks of the new school year which has already commenced. The highest school related exposure has occurred in Lamar County with over 110 students testing positive in a single town within the county. In-person classes in Lamar County School District began on July 26, 2021 and a mask wearing mandate was instituted on August 2, 2021. The county is currently looking at a possible hybrid learning model. Approximately 89% of Mississippi’s public schools from kindergarten through high school are requiring masks and face coverings for the 2021-2022 school year.**

**School districts in Mississippi are required to report new cases, quarantines and school closures to the Mississippi State Department of Health. The Department updates the list on a weekly basis which is released on Tuesdays.**

**The University of Mississippi is requiring the wearing of face coverings in indoor public spaces on campus, regardless of vaccination status, including public office spaces, classrooms, conference rooms and other academic spaces including laboratories and libraries. Masks are required to be worn while traversing through public spaces in residence halls, dining facilities, the Student Union and retail spaces. Masks will be required for extracurricular activities held indoors in on-campus spaces. Face coverings are not required when outdoors. Vaccinations are available on campus but are not required. The Fall Convocation has been postponed to an as of yet undecided date and will be held outdoors.**

**The City of Oxford instituted a mask mandate effective August 25, 2021 mandating that “every person in the City of Oxford shall wear a face covering, covering the nose and mouth, while inside a business, or other building or space open to the public whenever it is not possible to mandate a minimum of 6 feet of social distancing from another person not in the same household.”**

## **Baptist Memorial Health care will require all employees at Baptist Memorial Hospital North Mississippi to be vaccinated by November 1, 2021.**

On July 8, 2020, Governor Reeves signed into law [Senate Bill No. 3049](#), The Mississippi Back-to-Business Liability Assurance and Health Care Emergency Response Liability Protection Act. The Act provides protections from civil lawsuits related to COVID-19 related activities. The Act provides immunity for any person or any owner, lessee, or occupant of a premises for civil damages for injuries or death resulting from or related to actual or alleged exposure to COVID-19.

To qualify for this immunity, the defendant must demonstrate that they made a good faith effort to follow public health guidance. In addition, the Act extends immunity to health care professionals and health care facilities for “acts or omissions while providing health care services” related to COVID-19. The Act covers any person who “designs, manufactures, labels, sells, distributes, or donates” products, such as personal protective equipment (“PPE”), medical devices, and equipment, in response to the COVID-19 emergency. A defendant who acted with “actual malice or willful, intentional misconduct” is not entitled to immunity under the Act.

On July 9, 2021 the Mississippi State Department of Health released new guidelines in response to the rapidly spreading Delta variant. The guidelines recommend that all residents 65 and older and all those with underlying chronic medical conditions avoid gatherings – even if they’re fully vaccinated. The guidelines continue to be in place and will remain so until further notice.

On July 25, 2021 Mississippi Corrections Commissioner Burl Cain announced that MDOC will be suspending all visitations in state prisons until further notice. The decision was made in response to the state’s rising Delta variant cases in the hopes of protecting the 17,300 prisoners from possible infection.

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*Information for Mississippi was updated on October 17, 2021*

## **MISSOURI**

### **Operative Plans and Orders:**

[Show Me Strong Recovery Plan](#) (April 27, 2020)  
[Endemic Transition](#)  
[Long-term Care Facility Guidelines](#)  
[Business Guidelines](#)  
[St. Louis City COVID-19 Orders](#)  
[St. Louis County COVID-19 Protocols](#)  
[City of St. Louis Health Commissioner Order No. 1 \(July 23, 2021\)](#)  
[St. Louis Mayoral Proclamation \(July 23, 2021\)](#)  
[St. Louis County Face Covering Order \(July 26, 2021\)](#)  
[Jackson County Mask Mandate \(August 6, 2021\)](#)

### **Relevant Websites:**

[Missouri Department of Health Businesses Resource](#)

**Governor Mike Parsons announced the end to the COVID-19 crisis in Missouri and the state shifted to the Endemic phase of the recovery plan on April 1, 2022. Encompassed in the Endemic phase is a move from response to surveillance. State data reporting is being reduced to weekly, the state will utilize data and metrics to maintain surveillance, and contact tracing is lowered from universal to encouraged at the local level. There is no statewide health order concerning mask wearing although officials encourage citizens to wear a mask, practice social distancing and follow hygiene handwashing protocol. The State recommends that businesses implement basic infection prevention measures informed by industry best practices regarding: protective equipment, temperature checks, testing, and sanitation. There is no statewide travel restriction in place.**

**All Missourians age 18 and older are eligible for all of the COVID-19 vaccines. In addition, Missouri residents age 5 and older are eligible for the two-dose Pfizer vaccine. Approximately 55.6% of people living in Missouri are fully vaccinated.**

**St. Louis County rescinded its face covering order although masks remain encouraged in crowded areas.**

**The Missouri Department of Elementary and Secondary Education announced a new policy designed to allow more students to stay in the classroom despite being exposed to COVID-19. The "Test To Stay" policy was created by state education and health officials, and allows students exposed to COVID to stay out of quarantine under certain conditions. Those conditions include: not being exposed by a person in their household; testing negative a minimum of three times in seven days; the students wearing a mask over the 14-day quarantine period; the student not showing any symptoms. Under the policy, students could be asked to quarantine at home outside of school hours, while still attending classes in-person.**

**The NHL's St. Louis Blues announced proof of vaccination or recent negative tests are no longer required to enter the Enterprise Center. Additionally, the mask mandate is no longer in effect.**

**The Missouri Attorney General Eric Schmitt filed a lawsuit St. Louis in an effort to halt the mask mandate. The lawsuit argues the mandates are "arbitrary and capricious because they require vaccinated individuals to wear masks, despite the CDC guidance that this is not necessary." It also questions mandating children to wear masks in school, noting they are less likely to become seriously ill. Attorney General Schmitt stated he plans to file a lawsuit against Kansas City for its mask mandate order. The Attorney General has stated that children can ignore the mask mandate.**

**St. Louis County Circuit Court Judge Nellie Ribaldo issued a preliminary injunction prohibiting the enforcement of the mask mandate and denied a motion by St. Louis County to dismiss the lawsuit.**

Attorney General Schmitt filed a lawsuit on August 18, 2021 against Jackson County Executive Frank White, the Jackson County Health Department and others claiming that the mandate is unlawful and arbitrary while seeking an injunction to invalidate the order.

State Attorney General Eric Schmitt announced the state dropped lawsuits against school districts with mask mandates since those districts rescinded the mandates in response to the litigation.

The University of Missouri currently does not have a mask requirement and leaves it up to the individual. The University of Missouri System Board of Curators approved resolutions on September 2, 2021 prohibiting vaccine mandates for students, faculty and staff. The decision does not apply to the University of Missouri Health Care which is requiring vaccines for providers, workers and students by October 1, 2021. Some private colleges and universities in Missouri have instituted a vaccine mandate including Culver Stockton College, Rockhurst University, William Jewell College, St. Louis University and Washington University

On May 12, 2021, lawmakers pushed back against local coronavirus restrictions, passing legislation limiting the duration of public health orders that have shut down businesses and schools and limited how many people can gather. [HB 271](#) would limit orders restricting businesses, churches, schools or gatherings to 30 days, unless extended by the local governing body. It would take effect immediately upon Governor Parson's signature, meaning it could affect pandemic restrictions still in place in St. Louis County or other jurisdictions. It would also affect any future local health orders. The House and Senate passed the legislation with little discussion. The Bill was approved by the Governor and delivered to the Secretary of State on June 15, 2021.

**City of St. Louis:** There is currently no mask mandate and the most recent extension of the prior order expired on February 27, 2022.

On June 15, 2021, Governor Parson signed [HB 271](#) into law prohibiting any county, city, town or village governmental entity receiving public funds from requiring vaccine passports from citizens in order to access any public services. The law does not apply to private businesses and employers.

On July 7, 2021, Governor Parson signed [SB 51](#). The bill exempts business owners and health care providers from being sued for spreading COVID-19 – unless it can be proven by clear and convincing evidence. Religious organizations will also be shielded from COVID-19 exposure lawsuits unless “intentional misconduct” can be proven. The legislation also protects health care providers like nursing homes from malpractice lawsuits. The law became effective August 28, 2021.

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*Information for Missouri was updated on April 5, 2022*

## **MONTANA**

**Operative Plans and Orders:**

[Executive Order No. 2-2021](#) (January, 12, 2021)



[Reopening the Big Sky – Three Phase Approach](#)  
[Phase Two Reopening](#) (May 19, 2020)  
[COVID-19 Outbreak Response Protocols for Schools](#)

[Relevant Websites:](#)

[Montana COVID Website](#)  
[Montana Department of Public Health and Human Services](#)

**Following his election and January 4, 2021 swearing in, Governor Greg Gianforte rescinded many of the statewide limitations put in place by his predecessor, while making it clear that each local board of health maintains authority to enforce various mandates. There are no current statewide restrictions on public gatherings, event capacity or business capacity. There is no statewide mask mandate and local governments are precluded from mandating masks be worn.**

On March 15, 2020, former Governor Bullock issued an executive order closing all public schools and suspending nursing home visits. He also suggested, but did not ban, gatherings of groups over 50 people. On March 20, 2020, former Governor Bullock closed all sit-down and dine-in food service at restaurants, all closed casinos and other businesses serving groups of people. Phase One of the Reopening plan began on May 7, 2020, and Phase Two on June 1, 2020.

Former Governor Bullock imposed certain restrictions including capacity limits, face coverings, social distancing requirements and sanitation guidelines. However, following current Governor Gianforte's election, [Executive Order 2-2021](#) effectively removed all restrictions on public gatherings, business and school operations, mask requirements, and limitations.

Governor Gianforte signed [House Bill 257](#) making all local mask mandates unenforceable. Private businesses may still require employees and customers to wear masks at their facilities. On August 31, 2021, the Montana Department of Public Health and Human Services (DPHHS) announced that it would be each parents' discretion on whether their child wears a mask at school.

Montana's [vaccine distribution phased plan](#) proceeded through five phases. As of April 1, 2021, all Montanans aged 16 and older are eligible to receive the vaccine. Whether or not children ages 12 and older can receive the Pfizer vaccine varies by county. As of March 14, 2022, approximately [600,118](#) Montanans have been fully vaccinated, marking 56% of Montana's entire population, [690,977](#) Montanans have received at least one dose of the vaccine, marking 65% of the state's population, and [279,453](#) Montanans or 26% of the population have received a booster dose.

On April 13, 2021, Governor Gianforte issued [Executive Order 7-2021](#) which prohibits the State of Montana, its entities, and businesses from requiring a vaccine or vaccine passport for access to state services or facilities. On June 30, 2021, Governor Gianforte signed [Executive Order 10-2021](#), rescinding Montana's state of emergency.

On February 10, 2021, Governor Gianforte signed [Senate Bill No. 65](#) into law, which shields business, health care providers, non-profit organizations, and places of worship from COVID-19-related lawsuits if the institutions take protective measures from COVID-19 and follow current public health guidelines.

On April 28, 2021, Governor Gianforte signed [House Bill 334](#) into law, which took effect on July 1, 2021. The law provides students with exemption in fulfilling the immunization requirement if the student files a signed and notarized form that states immunization is contrary to their religious beliefs, tenets, or practices. Additionally, the bill also includes a medical exemption from a student immunization requirement if the individual files a written medical exemption statement that is signed by a healthcare provider and attests that immunization would be unsafe due to the student's medical circumstances.

On May 7, 2021, Governor Gianforte signed [House Bill 702](#) into law on May 7, 2021, which took effect immediately. HB702 prohibits discrimination based upon a person's immunization status or possession of an immunity passport, which is defined as "a document, digital record, or software application indicating that a person is immune to a disease, either through vaccination or infection and recovery." Under this bill, it is determined to be an unlawful discriminatory practice if a person or government agency refused or denied an individual local or state services, advantages, or employment based on their immunization or immunity status. On March 18, 2022, U.S. District Judge Donald W. Molloy [enforced a preliminary injunction against the state](#), blocking Montana from enforcing House Bill 702 within health care facilities and individual practitioners and clinics that are affected by the COVID-19 vaccine requirement from the Centers for Medicaid and Medicare Services (CMS).

After President Biden's announcement regarding the vaccine mandate for businesses with more than 100 employees, Montana Attorney General Austin Knudsen has [vowed to challenge](#) the nationwide mandate and is reinforced by Governor Gianforte who stated that the mandate "undermines our personal freedoms and liberties" and is currently looking at all options to challenge the mandate.

A [lawsuit](#) was filed in federal court by the Montana Medical Association challenging House Bill 702. The Association alleges the bill violates the Americans with Disabilities Act, Occupational Safety and Health Act regulations, and a right to a safe work environment and equal protection laws. The Association aims to have a permanent injunction on the law signed by the Governor and have it be declared as invalid.

An additional [lawsuit](#) was filed by a Montana law firm, Netzer Law Office, on October 5, 2021, challenging the state's new law banning businesses from requiring the COVID-19 vaccination as a condition of employment. The firm argues that the new law violates Montana's Constitution, which provides the right to a clean and healthful environment, and is seeks the law to be deemed unconstitutional with a preliminary injunction while the challenge remains pending.

Montana has joined eight other states, including Arkansas, Alaska, Missouri, Iowa, Nebraska, New Hampshire, North Dakota, and South Dakota in filing a [lawsuit](#) challenging President Biden's administration's issuance of the COVID-19 vaccine mandate for federal contractors. The states argue that the mandate is unconstitutional and violates federal procurement law.

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*Information for Montana was updated on March 24, 2022*

## NEBRASKA

### Operative Plans and Orders:

[Directed Health Measures- All Phases](#)  
[Outline of Changes to Upcoming DHMs Phase IV](#)  
[Guidance Documents](#)

### Relevant Websites:

[NE Department of Health COVID-19 Website](#)  
[NE COVID-19 Information Website](#)  
[NE Office of the Governor Weekly Columns](#)

**On January 30, 2021, the entire State of Nebraska moved into the Green Zone of its Directed Health Measures, which removed nearly all restrictions. Capacity limits at all businesses including bars, restaurants, gyms, fitness centers, office setting, child care services and salons were removed. There is no limit on any gathering sizes except that large venues must seek approval from the local health departments prior to certain events.**

There is no statewide mask mandate, however many cities and other localities require masks in public. Many of those local restriction will soon expire.

Before an event that anticipates 500 or more patrons in attendance, an event plan must be submitted to and approved by the Health Department.

On February 22, 2021, Nebraska released an updated [COVID-19 Vaccination Plan](#). As of April 8, 2021, all individuals ages 16 and older are eligible to receive the vaccine. As of May 12, 2021, all individuals ages 12 and older are eligible to receive the Pfizer vaccine. On August 12, 2021, [eight medical facilities](#) in the state's healthcare system announced that they will be requiring all employees to be fully vaccinated against COVID-19 by November. As of March 14, 2022, approximately [1,212,977](#) Nebraskans have been fully vaccinated, marking 63% of Nebraska's entire population, [1,344,998](#) Nebraskans have received at least one dose of the vaccine, marking 70% of the state's population, and [588,652](#) Nebraskans, or 30% of the population, has received a booster dose.

On February 28, 2022, Governor Ricketts [signed LB 906e into law](#). Effective March 1, 2022, LB 906e provides Nebraskans with the ability to claim medical or religious exemptions from COVID-19 vaccination requirements within most workplaces.

Several leading health care systems in Nebraska announced that they will require all employees to be vaccinated against COVID-19. The announcement was in a joint statement signed by the heads of Boys Town National Research Hospital, Madonna Rehabilitation Hospitals, Bryan Health, Methodist, CHI Health, Midwest Surgical Hospital, Children's Hospital & Medical Center, and Nebraska Medicine.

Many higher education institutions including Creighton University, Doane University, Nebraska Wesleyan University, and University of Nebraska Medical Center will require all students and staff to be fully vaccinated prior to the beginning of the 2021-22 academic school year.

Pending legislation, [LB643](#) and [LB447](#), have been introduced to Nebraska legislature and have been referred to the Health and Human Services Committee on January 22, 2021, and January 20, 2021, respectively. LB643, if approved, would provide individuals with the right to decline mandatory state vaccine directives, provide parents with the ability to decline vaccines for their children, and also provide employers the ability to decline vaccines for their employees. LB447 would change provisions under the Child Care Licensing Act relating to immunization. More specifically, the legislation would eliminate the parents' ability to opt out of their children's immunizations prior to sending them to licensed childcare providers, unless a medical provider provides certification that immunization is not appropriate due to a stated medical reason.

Additional pending legislation, [LB139](#), was presented to Governor Ricketts on May 21, 2021. If he signs LB139 into law, businesses and government entities will be shielded from liability for any civil remedies stemming from a person's injuries or damages sustained from exposure to COVID-19 on the business or entity's premises, so long as they did not act with gross negligence and were in substantial compliance with all federal and state regulations.

Nebraska has joined eight other states, including Arkansas, Alaska, Missouri, Iowa, Montana, New Hampshire, North Dakota, and South Dakota in filing a [lawsuit](#) challenging President Biden's administration's issuance of the COVID-19 vaccine mandate for federal contractors. The states argue that the mandate is unconstitutional and violates federal procurement law.

### **City of Lincoln:**

Mayor Leirion Gaylor Baird and the Lincoln-Lancaster County Health Department are using their own risk assessment dial to determine limitations within their county. As of December 7, 2021, the County is in the Orange designation, which recommends physical distancing, face masks to be worn indoors and in crowded outdoor settings, and other sanitization protocols for vaccinated residents. For unvaccinated residents, the Orange designation recommends physical distancing indoors and outdoors, face masks to be worn indoors and in crowded outdoor settings, and consistent sanitization protocols.

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*Information for Nebraska was updated on March 24, 2022*

## **NEVADA**

### **Operative Plans and Orders:**

[Nevada's Roadmap to Recovery](#) (March 2021)  
[Emergency Directive 041](#) (March 12, 2021)  
[Emergency Directive 038](#) (February 17, 2021)  
[Emergency Directive 044](#) (April 19, 2021)  
[Guidance for Safe Gatherings](#) (Updated March 12, 2021)  
[Guidance for Gatherings at Private Residents](#) (Updated February 14, 2021)

### **Relevant Website:**

[Nevada Governor Emergency Declaration Directives](#)  
[Nevada Health Response \(COVID-19\)](#)

**As of May 1, 2021, Nevada shifted to local county control of the COVID-19 response. All Nevada counties are now 100% open. The State adopted the CDC's mask guidance and, thus, enacted an indoor mask mandate where cases are surging. All Nevada residents ages 12 and older are eligible to receive a COVID-19 vaccine.**

Pursuant to [Emergency Directive 037](#), Nevada was operating under its [Nevada's Road to Recovery](#) framework. However, this directive expired at 11:59 PM on May 31, 2021, pursuant to [Emergency Directive 044](#). Pursuant to [Emergency Directive 024](#), individuals are still required to wear a face covering when in public, subject to certain exceptions. Based on the CDC's new mask guidance, all individuals must wear masks indoors in counties where case numbers are surging. Currently, 14 counties have to follow this mask mandate. Additionally, individuals on the campuses of the State's public colleges and universities must wear face masks. These mandates go into effect on July 30, 2021.

On September 24, 2021, following the Western States Scientific Safety Review's recommendation, [Governor Sisolak announced](#) that the third Pfizer dose would be available to eligible individuals. Nevada began administering booster shots for all three vaccine manufacturers on October 22, 2021. The "mix-and-match" method was also approved. Governor Sisolak authorized vaccine distributors to begin administering the Pfizer COVID-19 vaccine to [children aged 5 to 11](#) on November 3, 2021. All fully vaccinated adults are [eligible for a booster shot](#) of a COVID-19 vaccine as of November 20, 2021.

As of [December 9, 2021](#), 16 of the 17 counties in Nevada are reporting substantial or high transmission of COVID-19 and have instituted mask mandates. Esmerelda County is reporting low risk of transmission for the third week in a row, meaning masks are only required for the unvaccinated. All other counties are at high rates of transmission meaning more stringent masking requirements will stay in effect as required by Emergency Orders [047](#) and [048](#).

As of October 4, 2021, the [Nevada COVID-19 Dashboard](#) will now include antigen tests and probable cases when reporting COVID-19 data.

In response to the consistent high transmission rates in all Nevada counties, Nevada Health Response [issued new guidance](#) on September 21, 2021, requiring face coverings in crowded outdoor settings across the state regardless of vaccination status.

Large events in the State may avoid the mask mandate if they require all individuals to prove that they have been vaccinated. Based on this policy, the Las Vegas Raiders will require fans to prove their vaccination status. Masks will not be required, and the stadium will be at full capacity. [Emergency Directive 049](#).

As of May 3, 2021, all local counties in Nevada had been given control over their COVID-19 response. The statewide mask mandate remains in place for unvaccinated people and for all individuals who are indoors in areas with high case numbers, but most other COVID-19 measures are now in local control. Each county has a local plan to control the spread of COVID-19. All of the State's counties are now open at 100% capacity. The Nevada Gaming Control Board ended all COVID-19 restrictions on June 1, 2021, in casinos.



The State has also issued [Travel Guidelines](#) for travelers entering, departing, or returning to the State. These guidelines provide that, among other things, residents should not travel if they have tested positive for COVID-19; have been presumptuously diagnosed with COVID-19; are exhibiting COVID-19 symptoms; or have been potentially exposed to someone who has tested positive for COVID-19. Travelers must follow state and local requirements, and at a minimum, avoid large indoor gatherings, maintain social distancing, and always wear a face covering.

Governor Sisolak enacted [Emergency Directive 50](#), which expands the exemptions to mask requirements for large events being held in Nevada on September 2, 2021. This order provides more opportunities for patrons who can verify their vaccination status to remove their face coverings, even indoors at large events. [Emergency Directive 51](#) was issued on November 30, 2021, and allows large gathering operators to admit children under the age of 12 regardless of vaccination status. However, children under the age of 12 who are unvaccinated must wear appropriate face coverings. Fully vaccinated children under the age of 12 need not wear a face covering.

The State has identified cases of the Delta variant. The variant represents approximately 80% of cases. The State's full vaccination rate is [approximately](#) 57.06% of the population over 12 years old and 48.55% of the total population.

For school reopening, the governor issued [Emergency Directive 048](#) on August 4, 2021, that discusses masks in schools. The directive provides that all counties that have at least 100,000 people must require students to wear masks in schools. Staff in all schools must wear masks when indoors. However, a group has already filed a lawsuit in federal court in an attempt to block the order's enforcement in Las Vegas' schools.

On September 12, 2021, the [U.S. Department of Education approved Nevada's plan](#) for the use of the remaining American Rescue Plan Funds to support opening and running schools. With this approval, the Department of Education dispersed the remaining \$358 million to the State.

Concerning higher education, the Nevada Board of Health [unanimously approved](#) an [emergency regulation](#) which will require a COVID-19 vaccine to enroll in Nevada System of Higher Education institution after November 1, 2021. On September 30, 2021, the Nevada Board of Regents adopted a policy that will require [all employees at public universities and colleges in Nevada to get the COVID-19 vaccination](#) by December 1, 2021. All new hires will also be required to demonstrate proof of vaccination.

All State residents 12 years old and older are eligible to receive the COVID-19 vaccine. The State is administering the Pfizer COVID-19 vaccine to anyone 12 years and older. In accordance with FDA approval and guidance, the Moderna and Johnson & Johnson vaccines are only available to individuals ages 18 and older. Immunocompromised individuals are now eligible for a third dose of the Pfizer or Moderna vaccine. The State issued [Health Directive 011](#) concerning the administration of vaccines by medical service providers. This directive explains who a "provider of medical services" is and how such providers may administer the COVID-19 vaccines. To track the number of vaccines administered in the State, as well as other COVID-19-related statistics,



please see [Nevada's COVID-19 Statistics Dashboard](#). Moreover, to view a current list of vaccine eligible individuals, please see Nevada Prioritization and [Eligibility for COVID-19 Vaccination](#).

The State will require its state employees to either be vaccinated or submit to testing each week. Employees of the Nevada System of Higher Education are included in this requirement. This weekly testing will begin on August 15, 2021.

The State board of Health issued an [Emergency Regulation](#) which requires all state employees working with vulnerable populations in healthcare or detention facilities submit proof of vaccination by November 1, 2021. Governor Sisolak [signed this Emergency Regulation](#) on September 14, 2021.

Governor Sisolak signed [SB-4](#) on August 11, 2020. This law creates additional responsibilities for the Department of Health, imposes standards for cleaning in combined hotels and casinos, resorts, individual hotels, motels, hostels, bed and breakfasts, and other facilities offering rooms or areas to the public in counties with populations of 100,000 or more. The law also subjects those facilities to future regulations mandating adherence to protocols and plans concerning the prevention and response to SARS-CoV-2, allows for future inspections to ensure regulatory compliance and authorizes the Secretary of State to suspend a state business license of an entity or that does not comply with certain health standards related to COVID-19. In some instances, SB-4 immunizes the civil liability of certain businesses, governmental entities and non-profit organizations for personal injury or death resulting from exposure to COVID-19 only if they are substantially compliant with controlling health standards as interpreted by the courts and did not violate those health standards with gross negligence. This immunity does not extend to nursing homes, hospice care, intermediate care, skilled nursing, hospitals or independent centers for emergency medical care.

The cleaning standards outline the type of cleaning products that must be used, the types of surfaces, fixtures and items that must be cleaned and the frequency in which the cleaning must be performed. In addition, each public accommodation facility is required to establish, implement and maintain a written SARS-CoV-2 response plan that provides testing and time off for employees who have either been exposed to SARS-CoV-2 or are experiencing symptoms of COVID-19. The Nevada Gaming Control Board now has the authority to require a public accommodation facility to submit a copy of its written SARS-CoV-2 plan to the health authority. Moreover, an employer is forbidden from retaliating against an employee for participating in proceedings related to or seeking enforcement of this new law.

Lastly, the governor recently signed [S.B. 209](#). The bill states that employers with at least 50 employees must provide employees with four hours of paid leave that they can use to receive a COVID-19 vaccine. Entities that are exempt include those with a vaccination clinic on their property and those that began operating less than two years ago. This requirement lasts through December 31, 2023.

[T-Mobile Arena](#), the home of the Vegas Golden Knights, is requiring all guests wear appropriate face coverings at all times while in the venue. The stadium has also instituted all digital ticketing, and cashless transactions. [Allegiant Stadium](#), home to the Raiders, requires proof of vaccination

for [all attendees of Raiders games](#). A negative COVID-19 test is not a suitable substitute for vaccination. Masks will not be required in the stadium for vaccinated individuals. For all events other than Raiders games, proof of vaccination is not required, but masks must be worn at all times inside the stadium. Individual events may also implement additional measures.

*Information for Nevada was updated on December 9, 2021*

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## NEW HAMPSHIRE

### Operative Plans and Orders:

[Universal Best Practices](#)

### Relevant Websites:

[NH COVID-19 Website](#)

New Hampshire's State of Emergency expired on [June 11, 2021](#). The "Safer at Home 2.0" mandates have been replaced by Universal Best Practices, which are not mandatory. The statewide mask mandate expired on April 16, 2021, but some towns require masks. The State is reporting that 69.2% of the population are fully vaccinated, with 86.8% receiving the first dose.

[Seven state](#)-operated testing sites closed March 15, 2022. The sites are Belmont, Claremont, Keene, Lincoln, Manchester, Nashua, and Newington.

Additionally, [all eleven state](#) run vaccination sites closed permanently on March 31, 2022.

[Schools](#) were required to submit their reopening plans for the 2021-2022 school year for approval. A current listing of resources for K-12 schools can be found [here](#). Some universities within New Hampshire are requiring students to be fully vaccinated for the 2021-2022 academic year. A full listing can be found [here](#).

Gov. Sununu signed the "[medical freedom](#)" law into effect prohibiting vaccination mandates.

Beginning on September 30, 2021, [Dartmouth-Hitchcock Health](#) required all employees, including remote workers, to get the COVID-19 vaccine as a condition of employment.

Governor Sununu issued [Executive Order 2021-12](#) on November 23, 2021, to address the oncoming strain on hospitals due to the COVID-19 pandemic. The order requires the State of New Hampshire to "at a minimum" establish temporary acute care centers, increase bed capacity to the maximum currently allowed by law, evaluate ways federal funding can be used to increase capacity, identify all tools that may streamline licensing and certification processes for healthcare professionals, expedite background checks for licensure and certification. The Department of Health and Human Services, Office of Professional Licensure and Certification, and Board of Nursing are to provide written reports on all actions taken.

On October 20, 2021, a judge for the Rockingham County Superior Court [denied a request for a preliminary injunction](#) to stop school mask mandates.

The New Hampshire House Education Committee passed an [amendment to House Bill 255](#) which bans any New Hampshire entity from enforcing vaccine mandates. The amendment will now go from the committee to the full House of Representatives to be voted on.

On August 10, 2021, New Hampshire passed [House Bill 542](#), preventing state government from limiting the operation of religious organizations more than how essential services have been limited.

On October 18, 2021, a group of healthcare providers and disability activist groups sent a letter to the House Speaker and Senate President of New Hampshire, [requesting renewed remote access to the legislature](#).

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*Information for New Hampshire was updated on April 19, 2022*

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## **NEW JERSEY**

### **Operative Plans and Orders:**

[The Road Back: Restoring Economic Health Through Public Health Executive Order 292](#)

### **Relevant Websites:**

[NJ COVID-19 Information Hub](#)  
[NJ's "The Road Back: Restoring Economic Health Through Public Health" Guiding Principles Executive Orders](#)

**Governor Murphy signed [Executive Order 292](#) which ended the State Public Health Emergency on March 7, 2022. A number of Executive Orders aimed at regulatory and departmental response remain in effect. The State is reporting 75.4% of the total population are fully vaccinated, and 90.1% have received the first dose.**

Governor Murphy ended the mask mandate for NJ Transit. However, facilities and services under the Port Authority will continue to require masks. These include bus terminals, PATH trains, Newark, Kennedy, and LaGuardia airports.

[Executive Order 283](#), issued January 19, 2022, implements the Biden Administration's vaccine mandate for health care workers to state workers.

The universal school mask mandate [expired](#) on March 7, 2022. Individual school districts can implement their own requirements.

Currently, New Jersey is not requiring vaccination for students; however, in an October 4, 2021, media briefing Governor Murphy [did not discount a mandate](#) in the future. Some universities

within New Jersey are requiring students to be fully vaccinated prior to returning for the 2021-2022 academic year, including Rutgers University. A full listing can be found [here](#).

On August 23, 2021 Governor Murphy instated [Executive Order No. 253](#) which requires all Pre K-12 staff and state workers to be fully vaccinated by October 18 or take a Covid-19 test a minimum of once a week. [Executive Order No. 264](#) requires all childcare facilities maintain a policy requiring all workers to either submit proof of full vaccination or be tested regularly (one to two times a week). This mandate went into effect November 1, 2021.

[Executive Order 275](#), issued on November 23, 2021, clarifies the standing on statutory deadlines that were extended under the authority of the Public Health Emergency. For example, Paragraphs 1-6 of Executive Order 127 are to be terminated. January 1, 2022 shall be the new deadline for Executive agencies to act on petitions for rulemaking as well as acting as the expiration date for any emergency rule that would have ended prior to January 1, 2022 were it not for the Public Health Emergency.

On August 6, 2021 Governor Murphy instated [Executive Order No. 252](#) which requires the staff of all healthcare facilities and high-risk congregation sites such as correctional facilities to be fully vaccinated or submit to weekly testing by September 7, 2021.

On September 16, 2021, Governor Murphy signed into law [Assembly Bill 5849](#), which requires veterans' homes to submit weekly reports concerning population and health risks to the Department of Health through current and future Public Health Emergencies, and [Assembly Bill 5851](#), which allows the guardian of a veteran to remove him or her from the veteran's memorial home under emergency circumstances.

The State Capital Joint Management Commission passed a [Resolution](#) requiring proof of vaccination or negative COVID-19 test to enter any State Capital building (such as the Legislative State House, Staff Building, or Annex). Effective December 1, 2021, [full vaccination or proof of a negative test is required for any person to enter any part of the State Capitol Complex](#). Members of the Legislature are allowed to use tests taken as long as seven days prior, but are not otherwise exempt from these requirements. However, the policy [cannot prevent legislators from voting](#) according to a letter from the Office of Legislative Services.

[Executive Order 271](#) requires that all new and potential state contractors show that all employees who work or provide service in any state agency location are vaccinated or undergo weekly COVID-19 testing.

[Executive Order No. 267](#) requires all municipalities to submit fiscal reports to ensure there is not overlap on issues intended to be addressed by different grant funds.

Red Bull Arena does not require masks but strongly encourages them.

As of March 2, 2022, [the Prudential Center](#), the home of the New Jersey Devils NHL team, is no longer requiring proof of vaccination or a negative test to enter. Masks are not required as well.

Individual artists may require masks and proof of vaccination, but neither is required for Devils games.

The United States District Court for the District of New Jersey resumed scheduling in-person proceedings on February 1, 2022 subject to judicial preference, with the expiration of the suspension from [Standing Order 21-11](#). [Standing Order 2022-01](#) removes mandatory masking and makes them optional. Clerk of the Court William Walsh issued a [public notice](#) requiring proof of vaccination or a negative PCR test to enter courthouses on April 6, 2022.

The State Judiciary is open to the public and judges can schedule in-person proceedings. Masks must be worn in all courthouses regardless of vaccination status. The current status can be found [here](#).

Civil and criminal immunity given to health care professionals and facilities expired on September 1, 2021. After that date, civil immunity only continues for individuals administering vaccinations or testing for COVID-19. On April 14, 2020, Governor Murphy signed [Senate Bill No. 2333](#) to shield medical professionals and healthcare facilities from lawsuits related to COVID-19 claims. The immunity also shields any “act or omission undertaken in good faith” by a healthcare professional or healthcare facility in an effort to prevent the spread of COVID-19. However, the immunity granted by the bill does not extend to acts or omissions constituting a crime, actual fraud, actual malice, gross negligence, recklessness, or willful misconduct. The bill was made retroactive to March 9, 2020.

In March 2020, [N.J.A.C. 12:70](#) was enacted, making it illegal to fire or otherwise punish an employee for taking time off based on the possibility of having Covid-19. This statute is still in effect as of August 30, 2021.

Governor Murphy signed [A-4836](#) into law on November 8, 2021. This statute establishes a task force that will assess the quality and cost of virtual education through the COVID-19 pandemic.

On September 14, 2020, the Governor signed into law [A-3999/S-2380](#). This law shifts the burden of proof from “essential employees” in New Jersey to the employer with respect to COVID-19 worker’s compensation claims. The law, which took effect immediately upon signing, was made retroactive to March 9, 2020, and will apply through the duration of the public health emergency as initially declared in New Jersey and as extended by subsequent executive orders. The presumption of causation “may be rebutted by a preponderance of the evidence showing that the worker was not exposed to the disease.” Essential employees are those workers in the public or private sector whose duties and responsibilities are considered essential to public health and safety during the pandemic. The law will apply to individuals working in facilities such as hospitals, healthcare facilities, residential and rehabilitation centers as well as to public safety workers such as police officers and firefighters, among others.

On April 20, 2021, the Governor signed [S.B. 2476](#) into law. The Bill concerns workers’ compensation supplemental benefits for surviving dependents of employees deemed essential workers during the COVID-19 pandemic who die in the course of employment. The Bill also

provides a cost-of-living adjustment to workers compensation death benefits of essential workers who died from COVID-19.

*Information for New Jersey was updated on April 19, 2022*

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## NEW MEXICO

### Operative Plans & Orders:

[Policies for the Prevention and Control of COVID-19](#)  
[All Together New Mexico: COVID-Safe Practices for Individuals and Employers](#) (Updated April 26, 2021)

### Relevant Websites:

[NM COVID-19 Website](#)  
[Public Health Orders and Executive Orders](#)  
[Governor's Website](#)

**As of July 1, 2021, the State lifted its COVID-19 restrictions and ended its county-by-county reopening plan. New Mexico imposed an indoor mask mandate for all individuals that will last through November 12, 2021. New Mexico recommends all persons entering the state from any other state or country to quarantine for at least 14 days and obtain a COVID-19 test upon entering New Mexico. All New Mexico residents ages 12 and older are eligible to receive a COVID-19 vaccine.**

New Mexico lifted all of its COVID-19 restrictions on July 1, 2021. There are no longer capacity restrictions or social gathering limits in place. Businesses can now open at 100%. Business owners are still allowed to adopt their own COVID-19 protocols.

The State has identified cases of the Delta variant. Based on trends, the State predicts that the variant will represent 83% of cases. [Approximately](#) 62.4% of the population has been fully vaccinated against COVID-19, and 68.2% have received at least one dose.

The New Mexico Department of Health has [authorized the third dose](#) of the Pfizer vaccine for those individuals deemed eligible by the FDA; however, the Department of Health is asking providers to prioritize individuals over the age of 65 or between the ages of 50 and 64 with underlying health conditions. New Mexico is following the guidelines established by the CDC and has made [booster shots for all approved COVID-19 vaccines available](#) as of October 22, 2021. Mix-and-match vaccinations became available on October 25, 2021. On November 12, 2021, Governor Grisham [extended booster eligibility](#) to all fully vaccinated adults.

The New Mexico Department of Health authorized vaccine distributors to begin administering the [Pfizer COVID-19 vaccine to children aged 5 to 11](#) on November 3, 2021; however, as shipments of the vaccine are set to arrive over a number of days, [appointments may not be immediately available](#). On November 10, 2021, the New Mexico Department of Health again warned residents that appointments for children ages five to 11 [may not yet be available](#) in many places.



Pursuant to a [Public Health Order](#) issued on May 14, 2021 and the [Order](#) issued on June 30, 2021, all individuals must wear a mask when in public except for the following: when eating and drinking; when exercising outdoors alone or with members of the same household; or when attending small outdoor gatherings of people who are fully vaccinated that are under the county gathering limit or 20 people, whichever is less. All individuals, even if they are fully vaccinated, must wear a mask while in an indoor public area. This requirement began on August 20, 2021, and has been extended through October 15, 2021. Moreover, any business in which members of the public regularly visit must report the occurrence of four or more positive rapid responses within a 14-day period.

[Public Health Order 120221](#), issued on December 2, 2021, requires workers previously mandated to be fully vaccinated obtain a booster dose of the COVID-19 vaccine. Affected workers, including public school workers and health care employees, must get a booster by January 17, 2022, or within four weeks of becoming eligible for a booster dose.

The requirement set forth in Public Health Order 120221 was restated with respect to State employees in [Executive Order 2021-066](#). The same booster requirement is detailed with the same deadline of January 17, 2022, or four weeks from eligibility.

On September 15, 2021, the Department of Health [amended the standing public health order to first](#), clarify that businesses reporting four or more rapid tests are not required to shut down operation, and that private PreK-12 education institutions must follow the same face covering requirements set for public education institutions. [A second amendment released on the same day](#) requires that all private and public schools require weekly testing for unvaccinated workers, and keep appropriate records of workers' vaccination statuses. Further, the amendment requires all hospital, congregate care workers, and employees of the office of the governor show proof of vaccination. The New Mexico Department of Health [enacted Crisis Standards of Care](#) for the state's health care system on October 18, 2021. This change implements a standard structure for prioritizing and denying care, and extended limited legal liability to health care systems.

The Navy is [deploying a 20-person medical team](#) to support the San Juan Regional Medical Center on December 5, 2021. Military teams are being deployed to seven states, including New Mexico, at the request of the Federal Emergency Management Agency.

Governor Grisham extended the State's indoor mask requirement, and all powers invoked under that original order through October 15, 2021 with the issuance of [Executive Order 2021-054](#). Subsequently, a spokesperson for the Governor's office said the [mask mandate would remain in place](#) past the initial end date of October 15, 2021.

On February 10, 2021, the governor issued [Executive Order 2021-006](#) which recommends, but does not require, that all persons who have arrived in the State from another state or from outside the county should self-isolate or self-quarantine for a period of at least 14 days from the date of their entry into the State regardless of the positivity rate of the state where the individual is coming from.

[Executive Order 2021-059](#) bestows the power to approve and credential Advanced Practice Clinicians and State Credentialed Physicians to the Secretary of the Department of Health. This order is intended to expedite the process of establishing advanced practitioners in response to staffing shortages.

The New Mexico Environment Department (NMED) filed an [emergency amendment](#) on August 5, 2020 that requires employers to report positive COVID-19 cases in the workplace to the NMED Occupational Health and Safety Bureau within four hours of being notified of the case.

Masks are [required for everyone in elementary schools](#), but fully vaccinated individuals in middle and high schools do not have to wear a mask. The plan also maintains a social distancing requirement for unvaccinated students and staff. Finally, schools are required to create in-school testing programs for unvaccinated staff members and students. The goal is to test 25% of that population each week.

As of [August 23, 2021](#), all school employees must be fully vaccinated or submit to weekly testing and wearing appropriate face-covering at all times while indoors. The only exemption to the mask requirement is a medical exemption which must be verified by the instructions of a licensed health care provider. Hospital workers must also show proof of vaccination or an adequate exemption (medical, disability, religious). Those who qualify for a vaccine exemption must still submit to weekly testing and wear a face-covering at all times while indoors.

The [public health emergency order](#) which mandated the vaccination of school and hospital workers also required that proof of vaccination be presented to attend the 2021 State Fair.

On June 16, 2021, a judge refused to dismiss a lawsuit against New Mexico's Public Education Department regarding COVID-19 restrictions in schools. The lawsuit argues that some students were deprived of their constitutional right to a public education by the education secretary's actions.

Currently, vaccinations are available to all New Mexico residents ages 12 and older. The State, however, is administering the Pfizer COVID-19 vaccine to anyone 12 years and older. In accordance with FDA approval and guidance, the Moderna and Johnson & Johnson vaccines are only available to individuals ages 18 and older). Immunocompromised people can now receive a third dose of the Pfizer or Moderna vaccine. For more information on the State's distribution plan, please see [New Mexico COVID-19 Vaccine Allocation Plan](#). The governor issued a [Public Health Order](#) implementing requirements for all COVID-19 vaccine providers and requiring accurate information to be provided by individuals registering to receive the COVID-19 vaccine.

The State will now require its workers to be vaccinated or get regular COVID-19 testing. This requirement went into effect on August 2, 2021. The State has enacted similar requirements for healthcare workers and others in medical settings that require close-contact with others. Employees in schools must also be vaccinated or get tested each week.

On November 23, 2021, the State Capitol instituted a [policy requiring all visitors to provide proof of vaccination or negative COVID-19 test](#). Notably, this policy does not apply to New Mexico legislators.

[Executive Order 2021-057](#) requires that State employees comply with Public Health Order mask mandates and submit either proof of vaccination or negative test. The executive order specifies that non-compliant employees may be faced with disciplinary action.

New Mexico is still in a statewide public health emergency. The [most recent renewal](#) of this state of public health emergency was enacted on October 15, 2021 and is set to last until November 12, 2021. Additionally, on October 15, 2021, Governor Grisham issued [Executive Order 2021-057](#), which restates that State employees must comply with Public Health Order mask mandates and submit either proof of vaccination or negative test. The executive order specifies that non-compliant employees may be faced with disciplinary action.

The University of New Mexico mandated that all students and staff be fully vaccinated before September 30, 2021. New Mexico State University requires staff to be fully vaccinated by the same date or submit to testing each week. Requirements for students have not been determined at this time.

Moreover, officials in Dona Ana County, New Mexico, are being sued for requiring county employees to receive a COVID-19 vaccine in order to retain their jobs. The lawsuit was filed by Isaac Legareta, an officer at the Dona Ana County Detention Center, after county officials threatened to fire him over deciding not to receive a vaccine. Specifically, the lawsuit argues that the County's vaccine mandate is in violation of the federal Food, Drug, and Cosmetic Act that provides individuals "the option to accept or refuse administration" of a federally administered product that has not yet been fully approved. A second employee of the county detention center joined the lawsuit and claimed he was fired for refusing the vaccine. The plaintiffs are currently seeking a temporary restraining order and preliminary injunction.

State lawmakers proposed [HB 268](#), which will allow essential workers who contract COVID-19 to file claims under the Workers' Compensation Act. This bill creates a rebuttable presumption that contraction of COVID-19 by an essential employee is a work-related injury eligible for worker compensation, allowing the employee to establish that their workplace has not strictly complied with public health orders. Employers may rebut this presumption by providing evidence that the worker personally and substantially violated current public health orders. This bill, if passed, would become effective immediately upon the governor's signature and would remain in effect until January 31, 2023. This bill passed March 8, 2021, by the New Mexico House of Representatives on a 38-27 vote. The bill now moves to the State Senate. As of September 23, 2021, the bill has been [referred to the Senate Judiciary Committee](#), which has taken no action.

The State's Supreme Court has halted evictions for residents who can prove they are unable to pay rent. Renters must provide courts with evidence of their inability to pay. The State's Supreme Court has not indicated an end date for the moratorium.

Lastly, on June 7, 2021, the New Mexico Supreme Court found that there is no requirement for the State to compensate businesses for losses from COVID-19 restrictions. The court reasoned that the State's COVID-19 orders were not sufficient to support a regulatory taking claim, which would have required compensation. The businesses' attorney plans to appeal the ruling to the United States Supreme Court.

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*Information for New Mexico was updated on December 9, 2021*

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## NEW YORK

### Relevant Websites & Orders:

[CDC Recommendations for COVID-19 Vaccines](#)  
[CDC Vaccine Recommendations for Children and Teens](#)  
[CDC Guidance for COVID-19 Boosters](#)  
[CDC COVID-19 Data Tracker](#)  
[CDC Updated Guidance on Quarantine and Isolation](#)  
[CDC Information on Omicron Variant](#)  
[Guidance for Vaccination of Individuals 12 and Older](#)  
[Guidance for Vaccination of Children 5 to 11](#)  
[New York City COVID-19 Alert Level Tracker](#)  
[New York City Workplace Vaccine Requirements](#)  
[CDC COVID Data Tracker](#)  
[USDC-Southern District Coronavirus](#)  
[New York Forward Implementing CDC Guidance](#)  
[New York State Vaccine "Am-I-Eligible"](#)  
[Excelsior Pass](#)  
[CDC Updated Guidance for Schools K-12](#)

The New York state of emergency was terminated on June 24, 2021. Governor Kathy Hochul lifted the statewide “mask-or-vaccine” requirement for indoor businesses effective February 10, 2022 which required businesses to ensure that customers provide proof of vaccination or wear a mask indoors except when eating or drinking. The mask mandate will remain in place schools, childcare settings, hospitals, nursing homes, and on public transit. New York announced on Friday, February 18, 2022 that the state will not enforce the previously announced vaccine booster mandate for healthcare workers announced in January which was set to go into effect on Monday, February 21<sup>st</sup>.

Effective March 7, 2022, the indoor-mask mandate in New York City schools was lifted and there is no longer a requirement of proof of vaccination to visit local businesses. New York City Mayor Eric Adams announced that the “Key to NYC” rules have been suspended. Masks are still required for school children under the age of five because of the unavailability of a vaccine for young children. A vaccine mandate for private-sector employees remains in place. Restaurants, gyms, and entertainment venues are no longer required to ask patrons and guests proof of vaccination although individual businesses are permitted to implement such a requirement. New York City has established an updated COVID-19 “Alert Level”

Mayor Adams announced that he will not reconsider the City's vaccine mandates for city workers effective Friday, February 18, 2022. The deadline impacts City workers on unpaid leave since the vaccine mandates took effect on November 1, 2021 and workers hired after August 2, 2021 who have yet to present proof of a second vaccination shot. Mayor Adams announced that private businesses can choose whether require masks in indoor settings. The Mayor has lifted the vaccine mandates for professional athletes and performers.

Current guidance from the Centers for Disease Control has authorized the Pfizer vaccine for all persons 5 years and older with the second dose given three weeks after the initial dose. All persons ages 12 years and older are recommended to obtain a Pfizer booster shot 5 months after the last dose in the primary series.

The CDC recommends the Moderna vaccine for persons 18 years and older with the second dose given 28 days after the initial dose. Persons 18 years and older are recommended to obtain a booster shot of the Moderna vaccine 5 months after the last dose in the primary series of vaccination.

CDC recommends the Johnson & Johnson vaccine for individuals age 18 years and older. The CDC further recommends that persons who obtained the initial Johnson & Johnson vaccine to get a booster shot of either Pfizer or Moderna at least 2 months after the Johnson & Johnson vaccine.

For all vaccines, the CDC recognizes a person to be "fully vaccinated" two weeks after the completion of the primary vaccination series.

On December 27, 2021, the CDC updated its guidance with respect to isolating and quarantine for people with COVID-19 or exposed to another person with the virus. The CDC issued updated guidance in furtherance of those recommendations on January 9, 2022. "Close Contact" is defined as being less than 6 feet away from an infected person for a cumulative total of 15 minutes or more over a 24-hour period.

The CDC recommends that people quarantine and stay away from others after they have been in close contact with the person who has COVID-19. Isolation is recommended for people who are sick or have been infected with the virus even if asymptomatic.

For quarantining, the date of exposure is considered "day 0" and "day 1" is the first full day after last contact with the person with COVID-19. The CDC recommend staying home and away from other people for at least 5 days.

- For unvaccinated people and those not up to date with COVID-19 vaccinations:
  - stay home and quarantine for at least 5 full days
  - wear a mask around others at home
  - get tested at day 5 even if asymptomatic
  - watch for symptoms until 10 days after exposure
  - wear a mask for 10 days after exposure around others at home or in public
  - avoid travel

- avoid close contact with high risk people
- For fully vaccinated people:
  - no quarantine is required unless symptoms develop
  - get tested at day 5 after exposure
  - watch for symptoms until 10 days after exposure
  - if symptoms develop isolate immediately and get tested
  - wear a mask around others for 10 full days at home or in public
  - avoid travel
  - avoid close contact with high risk people

For isolating, “day 0” is the first day of experiencing symptoms or a positive viral test. “Day 1” is the first full day after symptoms develop or the test specimen was collected. For people with a positive test, isolation is recommended for at least 5 days.

- For people who test positive for COVID-19 or have symptoms, regardless of vaccination status:
  - stay home for 5 days and isolate from others at home
  - wear a mask around others at home
  - isolation can be ended after 5 full days if a person is fever-free for 24 hours without the use of fever-reducing medications and improving symptoms
  - for asymptomatic people isolation can be ended after 5 full days following a positive test
  - for persons with symptoms, isolation should extend for at least 10 days and a doctor consulted before ending isolation
  - all persons should take precautions until day 10 including wearing a mask around others at home or in public places
  - avoid travel
  - avoid close contact with high risk people

The CDC issued updated guidance and recommendations in early January 2022 for students in kindergarten through high school which include:

- promoting vaccination
- universal indoor masking by all students (ages two and older), staff and visitors
- maintaining 3 feet of physical distance in classrooms
- staying home whenever someone feels ill
- screening and testing for virus symptoms
- handwashing programs
- increased ventilation
- enhanced cleaning and disinfection

As of December 27, 2021 workers in New York City who perform in-person work or interact with the public in the course of business must show proof they have received at least one dose of a COVID-19 vaccine. Workers will then have 45 days to show proof of their second dose (for Pfizer or Moderna vaccines).



Businesses may not allow any unvaccinated workers to come to their workplace. A workplace is considered any location, including a vehicle, where individuals work in the presence of at least one other person. Businesses must verify each employee's proof of vaccination. There are three options for how businesses can meet this requirement:

- An employee's record can be a copy of their proof of vaccination or a record of a reasonable accommodation with supporting documentation.
- Businesses can create their own paper or electronic record that includes the following information for each employee:
  1. employee's name
  2. whether the person is fully vaccinated
  3. for employees who submitted proof of the first dose of a two-dose vaccine, the date by which they can provide proof of a second dose (no later than 45 days after submitting proof of the first dose)
  4. record of reasonable accommodation with supporting documentation

Businesses may check each employee's proof of vaccination before entering the workplace each day and must keep a record of each such verification. Non-employee workers, such as contractors, must provide vaccination proof to their employers. Businesses may request that a contractor's employer confirm proof of vaccination. Businesses must then keep a log of these requests and the confirmations they receive. Businesses must have completed the below certificate affirming they are in compliance with this requirement and post it in a public place.

All New York City Department of Education staff, city employees working in a school setting, staff of contractors of the DOE or NYC, and the staff of any charter school serving students up to grade 12 (including contractors of the charter school) must provide proof of vaccination to the Department of Education. All students ages five and older participating in high-risk extracurricular activities ranging from sports to musical activities must be vaccinated.

Vaccinated students, teachers and staff who are exposed to COVID-19 in a school will be notified of the exposure and be required to get tested immediately. Unvaccinated persons and elementary students will be required to quarantine for 10 days. The students will receive remote instruction during the quarantine period.

Outside of New York City, all teachers, administrators and other school employees in New York must submit to weekly COVID-19 testing or show proof of vaccination. The New York State Department of Health issued official guidance for classroom instruction and the Governor issued a universal mass requirement for all indoor settings including indoor sports and extracurricular activities.

Legislation passed in March grants employees time off to get the COVID-19 vaccine. Under the new law, public and private employees are granted up to four hours of excused leave per

shot that will not be charged against any other leave the employee has earned or accrued. Approximately 69% of adults in the state have completed the vaccine series.

On June 30, 2021, a new law went into effect prohibiting public employers from penalizing employees who use sick leave or compensatory time to quarantine, seek medical treatment, or for other absences related to a COVID-19 diagnosis or contact.

The MTA is running with full 24-hour subway service and the mask wearing mandate is expected to remain in place indefinitely. All MTA and Port Authority employees working in New York facilities are required to be vaccinated or get weekly testing.

Proof of full vaccination status can be provided by patrons through paper form, digital application, or the State's Excelsior Pass. New York's "Excelsior Pass" is similar to a mobile airline boarding pass, the software provides secure technology to confirm an individual's vaccination or recent negative COVID-19 test through a confidential data transfer to fast-tractor reopening of theaters, stadiums, arenas and other businesses.

An Excelsior Pass "Plus" program was launched on August 5, 2021 which provides digital proof of vaccination or negative test results using the "SMART Health Cards" framework. The "Plus" program is designed to expand travel and commerce opportunities for New Yorkers to other states and internationally.

On May 5, 2021, the New York "Hero Act" became law more formally named the "New York Health and Essential Rights Act." The new law requires that employers prepare safety plans and prohibits discrimination and retaliation against employees exercising rights available under the Hero Act.

The Act mandates that the Commissioner of Labor create and publish a model airborne infectious disease exposure prevention standard in consultation with the New York Department of Health. All private employers in New York are required to implement the model or a similar plan at employers' places of work effective June 4, 2021. The model standards are to be differentiated by industry creating minimum requirements regarding exposure to airborne infectious diseases in the workplace. Protocols are to be established covering:

- employee health screenings
- face coverings
- personal protective equipment by industry (and at the employer's expense)
- hand hygiene
- cleaning and disinfecting of shared work equipment and surfaces
- social distancing protocols
- mandatory or precautionary isolation or quarantine orders
- engineering controls
- assignment of enforcement responsibility for the plan and all applicable governmental regulations and orders
- notice requirements. and
- verbal review of the standards and policies.

As of November 1, 2021, all private employers are required to allow employees to establish a joint employer-employee workplace health and safety committee as a vehicle to raise health and safety issues in the workplace and to evaluate existing policies, protocols and plans. Employers must include plans in a handbook or otherwise distribute the plan to existing employees and provide the plan to new employees upon hiring. Non-compliant employers are subject to civil penalties and employees are permitted to bring a civil action for injunctive relief. Courts are authorized to order payments of liquidated damages against employers found to be in violation of the Act. The law also allows for the recovery of attorneys' fees for successful litigants while cautioning against the bringing of frivolous claims.

Expanding upon a March 23, 2020 [Executive Order](#), legislation was passed in early April, 2020 that immunized healthcare facilities and professionals from certain forms of liability from acts or omissions resulting in injury or death during the pandemic. On August 3, 2020, revised legislation went into effect rolling back certain immunities granted by the prior legislation that was part of a budget bill. New York was previously providing legal protection for hospitals and nursing homes from claims stemming from care provided while treating or diagnosing patients with COVID-19. On April 7, 2021, a new law was passed depriving nursing homes of legal immunity previously granted the beginning of the pandemic.

*Information for New York was updated on March 25, 2022*

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## NORTH CAROLINA

### Operative Plans and Orders:

[NC Executive Orders](#)  
[Executive Order No. 224 \(July 29, 2021\)](#)  
[Executive Order No. 229](#)  
[Executive Order No. 230](#)  
[Executive Order No. 232](#)

### Relevant Websites:

[NC COVID-19 Information Hub](#)  
[NC DHHS COVID-19 Response Website](#)  
[Phase 3](#)

**On May 14, 2021, Governor Ray Cooper lifted all mandatory capacity and gathering limits, social distancing requirements, and most mandatory mask requirements. In most settings indoors or outdoors the state will no longer require individuals to wear a mask or be socially distant. Cooper said there will continue to be a mask requirement on public transportation, in child care, in schools, in prisons and in certain public health settings. On June 11, 2021 Governor Cooper extended the state of emergency orders until July 20, 2021 and they have not been renewed. More than 25,000 COVID cases were reported over Labor Day weekend and the state is continuing to see an increase in hospitalizations.**

**North Carolina is currently vaccinating anyone 12 years and older for the Pfizer vaccine and aged 18 and older for Moderna and Johnson & Johnson. Currently, 52% of people living in North Carolina are fully vaccinated against COVID-19. On August 16, 2021, the North Carolina Department of Health and Human Services announced that residents who are moderately to severely immunocompromised and received either the Moderna or Pfizer vaccines are now eligible to begin receiving booster shots.**

**The North Carolina State Board of Education voted to allow North Carolina school districts to make wearing face masks optional. However, the majority of students in North Carolina's public schools will be required to wear masks in class based upon mandate issued by various school districts.**

**On September 21, 2021, Union County's school board voted to modify the district's quarantine protocols to comply with state law and let the county health department lead contact-tracing efforts. The move comes after the North Carolina Department of Health and Human Services threatened to sue the district for overhauling contact-tracing procedures and allowing most of its 7,000 quarantined students back into the classroom so long as they are not symptomatic or infected with COVID-19.**

**On July 29, 2021, the Governor signed a new executive order (No. 224) that does not mandate state employees to get vaccinated, but cabinet-level agencies will have to verify if state employees have been vaccinated. Unvaccinated employees must submit to COVID-19 weekly testing and wear a mask at work. All healthcare workers in state facilities must be vaccinated or have an approved exemption for medical or religious reasons by September 30, 2021.**

**The NHL's Carolina Hurricanes announced a COVID-19 policy for the team's home games at PNC Arena:**

- All fans ages 2 and over are required to wear a mask in the arena at all times except when actively eating or drinking.**
- Fans must complete a health survey that will be verified by arena staff before each game. Fans may complete the survey for up to six people in their party, including themselves. They will receive an email or text message with a link to their clearance status.**

**On August 31, 2021, the Governor signed new executive orders extending transportation - related provisions covered by prior executive orders as a result of COVID-19 through November 30, 2021 and extending provisions outlined in Executive Order No. 224 that direct the State Health Director to issue statewide standing orders for testing and vaccination. A further Executive Order issued on September 2, 2021 expanding access to monoclonal antibody treatment in North Carolina.**

**The University of North Carolina at Chapel Hill require students who have not been vaccinated (and completed forms demonstrating vaccination) to be tested for the virus twice a week. Facemasks must be worn at all times while inside any building on campus including classrooms, public buildings and common areas in residence halls. Some private colleges and**

**universities in North Carolina have instituted vaccination mandates for students including Duke University, Wake Forest University, and Davidson College.**

**The NFL's Carolina Panthers require all guests and staff wear a mask in indoor spaces, including the indoor concourses of Bank of America Stadium in Charlotte.**

**Certain counties in North Carolina have issued mask mandates for city and county buildings particularly in central North Carolina beginning August 2, 2021 including Wake County, Raleigh, Fayetteville, Garner and Wake Forest. These mandates are in addition to similar mask wearing mandates enacted during the last week of July in Cumberland and Durham counties.**

**The town of Boone declared a state of emergency on Friday, August 6, 2021 due to surging Delta variant cases and effective August 10, 2021 all person ages 2 and older are required to wear a mask in all indoor public settings. Appalachian State University, located in Boone, returned to classes on August 16, 2021.**

**Buncombe County mandated that its employees wear masks and that all unvaccinated staff members get tested weekly. The Asheville City Counsel has returned to all virtual meetings and Durham County declared a state of emergency effective Monday, August 9, 2021 requiring people to wear masks in all indoor public places and not just government buildings.**

Most courts in North Carolina are operating under modified procedures impacted by orders by the North Carolina Supreme Court and by individual counties. Detailed information on the orders and County restrictions can be found on the North Carolina Judicial Branch website at COVID-19 Updates.

After the CDC announced that schools can safely reopen even if teachers are not vaccinated, the Governor endorsed the reopening of North Carolina Schools for full in-person learning. Governor Cooper updated the state's reopening guidance allowing districts to carry out their own masking requirements, though the state recommends unvaccinated high school students and all K-8 pupils wear a face mask while indoors.

In June of 2020, North Carolina passed a bill protecting colleges and universities from legal claims over coronavirus-related closures. Senate Bill 208 which was signed into law by the Governor on July 1<sup>st</sup> grants immunity to institutions of higher education in North Carolina against claims concerning Spring 2020 tuition and fees that are related to campus closures due to COVID-19. It grants immunity for any "alleged acts or omissions" between Governor Ray Cooper's March 10 emergency declaration and June 1, and applies to actions taken on or after March 27, 2020.

On May 4, 2020, Governor Cooper signed legislation approved by the North Carolina General Assembly entitled "2020 COVID-19 Recovery Act" which provided substantial financial assistance and immunity protection for essential businesses and hospitals. At the beginning of July, 2020 the Governor signed two new laws providing broad immunity against COVID-19 claims absent gross negligence or intentional wrongdoing. [NC House Bill 118](#) and [NC House Bill 902](#) were signed into law on July 1<sup>st</sup> & July 2<sup>nd</sup> respectively.

All persons are now entitled to immunity for negligence in connection with virus transmission claims including individuals, corporations, nonprofit entities, governmental agencies, partnerships and any other legal entity. The statute provides that the immunity period will extend to claims arising up to six months after the end of the state of emergency in North Carolina and for a year after the end of the emergency declaration for owners and operators of community pools.

The law requires businesses to provide reasonable notice of action taken to reduce the risk of virus transmission to people present at the business. The law does not limit liability for gross negligence, wanton conduct or intentional wrongdoing. There is no requirement of such notice relating to personal residences except where the residence is used in the operation of the business. The law also does not apply to workers' compensation claims.

On July 27, 2021 the North Carolina Department of Health and Human Services announced that all employees and volunteers at state-funded facilities will be required to be fully vaccinated against COVID-19 by the end of September. In a memo, NCDHHS Division of State Operated Health Facilities said all employees, volunteers, students, trainees, contracted, and temporary workers must be vaccinated by September 30, 2021. Those affected by the order can apply for an exemption for medical or religious reasons.

On February 4, 2021, a COVID-19 relief bill was passed by the North Carolina Senate. The bill contains federal stimulus money and funding to help reopen schools, to help those in need of rent assistance, and to help the state health department with vaccine distribution. The bill also supports direct payments to parents who missed an opportunity last year to get \$335 checks to help offset childcare costs and expenses associated with remote learning.

Under the North Carolina Occupational Safety and Health Act, employers are not authorized to mandate immunization for religious objectors, except where it is necessary for the protection of the health and safety of others.

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*Information for North Carolina was updated on October 17, 2021*

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## **NORTH DAKOTA**

### **Operative Plans and Orders:**

[Executive Orders](#)  
[ND Smart Restart](#)  
[ND Smart Restart Plan](#)  
[ND Smart Restart: Standards for All Industry](#)  
[Workplace Assessment for COVID-19](#)  
[K-12 Smart Restart Guidance](#)

### **Relevant Website:**

[North Dakota's Official COVID-19 Resources](#)



**As of May 28, 2021, nearly all COVID restrictions, including capacity and gathering limits were lifted. While masks are encouraged in public settings, they are not required, except in certain location such as public transportation.**

Following a brief shutdown at the outset of the pandemic, on May 1, 2020, North Dakota allowed certain businesses to reopen including restaurants, personal services, fitness centers, and movie theaters. By May 15, 2020, sports arenas and music venues were also allowed to reopen. By executive order, Governor Doug Burgum strongly encourages all open businesses to follow the [ND Smart Restart Plan](#).

[ND Smart Restart: Standards for All Industries](#) encouraged businesses to comply with CDC guidelines, ND Department of Health recommendations, and complete a work place assessment for COVID-19. [Additional standards](#) are in place for restaurants (including bars, breweries, distilleries, and food trucks), personal services (hair salons, barbershops, nail salons, tanning salons, waxing studios and other cosmetology related businesses), medispas, tattoo and piercing services, massage therapy, fitness centers, movie theaters, large gatherings, event venues (weddings, banquets, and balls), and water recreation (pools and water playgrounds). The State encourages outdoor visitation by appointment with social distancing at long-term care facilities.

As of March 24, 2021, all residents ages 16 and older are eligible to receive all COVID-19 vaccines. As of May 13, 2021, all residents ages 12 and older are eligible to receive the Pfizer vaccine. Multiple healthcare providers in North Dakota, including Altru Health System, CHI St. Alexius Health, Essentia Health and Sanford Health announced that all employees will be required to be fully vaccinated unless they have an applicable medical or religious exemption. As of March 14, 2022, approximately [415,640](#) North Dakotans have been fully vaccinated, marking 55% of North Dakota's entire population, [491,906](#) North Dakotans have received at least one dose of the vaccine, marking 64% of the state's population, and [167,338](#) North Dakotans, or 22% of the population have received a booster dose.

On April 23, 2021, Governor Burgum signed [House Bill 1175](#) into law. This law shields health care providers, businesses and other facilities from civil liability for any act or in response to COVID-19 that caused or contributed to the death or injury of a person. The law also protects individuals who designed, manufactured, labeled, sold or distributed disinfecting or cleaning supplies designed to protect from COVID-19, from civil liability for personal injury, death or property damage. The law does not shield liability for any willful and wanton or reckless misconduct.

Multiple North Dakota hospital systems have announced that vaccines will be mandated for employees including CHI St. Alexius Health and Altru Health System. Sanford Health previously mandated employee vaccinations and Essentia Health also announced a similar mandate.

On May 7, 2021, [House Bill 1465](#) was signed into law and took place effective immediately. House Bill 1465 prohibits state government entities from requiring documentation that certifies an individual's vaccination status or post-transmission recovery status prior to providing access to state property, funding, or services. The Bill additionally prohibits the publication of an individual

or patron's vaccine records and the requirement of private businesses to obtain vaccine status documentation prior to employment and access to services.

North Dakota has joined eight other states, including Arkansas, Alaska, Missouri, Iowa, Montana, Nebraska, New Hampshire, and South Dakota in filing a [lawsuit](#) against President Biden's administration, challenging the issuance of the COVID-19 vaccine mandate for federal contractors. The states argue that the mandate is unconstitutional and violates federal procurement law.

*Information for North Dakota was updated on March 24, 2022*

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## OHIO

### Operative Plans and Orders:

[Stay Safe Ohio Order](#)  
[Ohio Public Health Orders](#)

### Relevant Websites:

[Ohio Department of Health COVID-19 Website](#)  
[In This Together Ohio](#)  
[Responsible Restart Ohio](#)  
[COVID-19 Checklist for Businesses and Employers](#)  
[Sector Specific Operating Requirements](#)

**On June 2, 2021, the Ohio Department of Health removed all pandemic health orders including the mask mandate. There is an exception, that health orders for nursing homes and assisted living facilities remains in effect.**

### Statewide Travel Advisory

Ohio eliminated its travel advisory on March 10, 2021 and now only refers travelers to the current [CDC guidance](#).

### Statewide General Restrictions

On March 9, 2020, Governor Mike DeWine signed an Executive Order establishing a state of emergency. School closures began on March 17, 2020 and shortly thereafter, the Ohio Department of Health issued a Stay at Home Order effective March 22, 2020. This order mandated the closure of non-essential businesses and set forth various activity and gathering restrictions. On April 30, 2020, the Governor issued the Stay Safe Ohio Order that gradually eased the initial stay at home order and business closings. Additional Orders allowed for the staggered openings of many businesses initially deemed non-essential. Manufacturing, distribution, construction, general office environments, and retail locations with restrictions. On June 18, 2021, Governor DeWine allowed the state of emergency to expire.

Gov. Mike DeWine on August 17, 2021, urged Ohio K-12 schools to implement mask mandates and increase vaccinations to combat the spread of COVID-19 but stopped short of requiring them himself.

On June 2, 2021, the Ohio Department of Health removed all pandemic health orders including the mask mandate. There is an exception, that health orders for nursing homes and assisted living facilities will remain in effect. Lifting the health orders does not prevent a business from imposing its own requirements if they-wish. Ohio businesses and schools are able to decide what rules to impose for the safety of their customers, employers and students.

Students at Ohio University are required to be vaccinated.

The Cleveland Cavaliers do not require fans to show proof of full vaccination or a negative COVID test to attend. Fans must wear masks except when eating or drinking.

### **Vaccine**

All individuals 18 and above in Ohio are eligible to get vaccinated with either the Pfizer, Moderna or Johnson and Johnson Vaccine. Residents between the age of 5-18 are allowed to receive the Pfizer vaccine.

As of October 21, 2021, the Ohio Department of Health is preparing for federal approval of the Pfizer COVID-19 vaccine for children ages 5 to 11. Formal authorization of the vaccination is expected in about two weeks. More than 25,000 providers, as well as thousands of retail pharmacies, have signed up to administer the shot to kids.

As of March 3, 2023, 58% of Ohioans are fully vaccinated.

### **COVID-19 Legislation**

On September 14, 2020, Governor DeWine signed into law legislation a revised version of House Bill 606 providing legal immunity to businesses, health-care workers, schools, colleges, churches and governmental entities from coronavirus related lawsuits. The legislation takes effect in mid-December 2020 and provides civil immunity from March 9, 2020 through September 30, 2021. The law grants state-law immunity from litigation for injury or death stemming from the “transmission or contraction” of the virus. Like virtually all of such legislation passed into law, there is no protection for reckless, intentional, willful or wanton misconduct. The Ohio law also bars class actions against the persons and entities entitled to protection based upon exposure to or transmission of the COVID-19 virus.

A Senate bill introduced in January 2021 by lawmakers would establish “checks and balances” on Governor Mike DeWine’s ability to issue and keep in place executive action during an emergency. The bill would create a committee that would have to power to rescind executive actions taken by a governor or the state health department through a concurrent resolution, which requires a simple majority from the House and Senate. The latest draft was altered on February 17, 2021 to reduce the number of lawmakers making the final say on orders in the committee from 10 to 6.

A new bill that aims to ban employers from requiring workers to get the COVID-19 vaccine is being considered by lawmakers in Ohio. H.B. 435, also called the “Ohio COVID-19 Fairness Act,” aims to make it easier for people who do not want to get the COVID-19 vaccine to avoid getting

one. The bill says public and private employers cannot require their employees to get a COVID-19 vaccine that have not received full federal approval. The bill has yet to be voted on.

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*Information for Ohio was updated on March 3, 2022*

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## OKLAHOMA

### Operative Plans and Orders:

[Executive Order 2020-13 \(May 12, 2020\)](#)

[OK Open Up and Recover Safely Plan \(April 22, 2020\)](#)

### Relevant Websites:

[OK COVID-19 Website](#)

**There is no mask mandate in Oklahoma. On March 11, 2021, Governor Stitt rolled back all remaining COVID-19 restrictions including mask mandates in state buildings and limits on public gatherings. On April 30, 2021, the mask mandate in Oklahoma City was allowed to expire. All individuals 18 and above in Oklahoma are eligible to get vaccinated with either the Pfizer, Moderna or Johnson and Johnson Vaccine. Residents between the age of 5-18 are allowed to receive the Pfizer vaccine.**

### General Statewide Restrictions:

Following a shutdown of non-essential businesses, Oklahoma began a three-phased reopening, pursuant to Governor Kevin Stitt's [Open Up and Recover Safely Plan](#). Oklahoma is currently fully reopened. Phase I commenced on April 24, 2020, and allowed for the restricted opening of many businesses. Phase II commenced on May 1, 2020 allowing even more businesses to reopen including restaurants, movie theaters, gyms and sporting venues. Phase III commenced on June 1, 2020 allowing employers to resume unrestricted staffing at their worksites, summer camps to open, and businesses previously operating by appointment only may allow walk-in clients.

On March 11, 2021, Governor Stitt rolled back the remaining COVID-19 restrictions including a mask mandate in public buildings, gathering limits and limits on attendance at indoor sporting events.

Early education schools, high schools, colleges and universities are able to resume in-person classes at the discretion of the local school authorities and districts. The State of Oklahoma issued guidance for [schools and day camps](#), which is broken out into three steps, and further guidance for [colleges and universities](#). The State provided options for alternating schedules and a hybrid mix of teaching to accommodate the public health emergency.

Currently, mask mandates are enforced at the discretion of school districts with most school districts choosing to uphold mask requirements.

On May 28, 2021, Governor Stitt issued an executive order banning state agencies from implementing mask mandates or vaccine requirements for people entering their buildings. Under the order, which officially went into effect on June 1, 2021, “all buildings and office space, owned or leased by the State of Oklahoma and open to the public shall rescind any mandate for the wearing of masks in order to receive government services.” The action also stated that “all state agencies are hereby prohibited from requiring a vaccination against COVID-19 as a condition of admittance to any public building.” However, the governor clarified that the order “shall not apply to employees and buildings of state agencies primarily involved in medical patient-facing activities including research participant areas and facilities where patient care is the primary function.” The order also specified that it shouldn’t be “construed to restrict an individual’s right to wear a mask in a state or public building.”

As of March 3, 2022 56% of Oklahoma residents are fully vaccinated.

### **COVID-19 Legislation:**

Governor Stitt signed [Senate Bill 300](#) into law on May 12, 2020. This law provides immunity to health care facilities and health care providers from civil liability for any alleged loss or harm to a person with a suspected or confirmed COVID-19 diagnosis if the act or omission occurred in the course of arranging for or providing COVID-19 health care services. However, health care facilities and providers are not immune to civil liability if the act or omission was the result of gross negligence, or willful or wanton misconduct.

The Governor also signed [Senate Bill 1946](#) into law on May 21, 2020. This law provides immunity to businesses and individuals from civil liability for claims relating to an individual’s exposure or potential exposure to COVID-19, if the act or omission alleged was done in compliance or consistent with federal or state regulations, executive orders or applicable guidance.

On June 2, 2021, the Governor signed Senate Bill 658 into law. The law prohibits public schools, colleges, universities or CareerTech centers from implementing mandatory COVID-19 vaccinations as a condition for admittance and from requiring only non-vaccinated populations to wear masks.

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*Information for Oklahoma was updated on March 3, 2022*

## **OREGON**

### **Operative Plans and Orders:**

[Executive Order 21-05](#) (June 30, 2021)  
[Executive Order 21-06](#) (March 12, 2021)

### **Relevant Websites:**

[Executive Orders](#)  
[Oregon Health Authority \(COVID-19 Updates\)](#)  
[Guidelines for Employers](#)

**On June 30, 2021, the State lifted all COVID-19 capacity restrictions and ended the county-by-county approach. All residents must wear masks when indoors in public areas and in outdoor spaces where six feet of distance cannot easily be maintained between people. The State also issued travel guidance which recommends that persons arriving in the State from other states should, but are not required to, self-quarantine for 14 days after arrival and limit their interactions to individuals in their immediate household. All Oregon residents over the age of 12 are eligible to receive a COVID-19 vaccine.**

On June 30, 2021, the State ended its COVID-19 restrictions and allowed businesses to reopen at 100%. Effective August 24, 2021, [Oregon Administrative Rule 333-019-1025](#), requires a face covering be worn by everyone over the age of five in all public indoor circumstances as well as outdoors, when six feet of distance cannot easily be maintained, regardless of vaccination status. The order makes an exemption for those actively eating outdoors as well as those sleeping outdoors and those experiencing homelessness. This order specifically does not apply to schools during regular school hours. The order imposes civil penalties of up to \$500 per day per violation

Governor Kate Brown declared a statewide emergency due to COVID-19 on March 8, 2020 through [Executive Order 20-03](#). The governor extended Executive Order 20-03 until December 31, 2021 by signing [Executive Order 21-15](#).

The State has identified cases of the Delta variant. The State now estimates that the variant makes up approximately 90% of the State's new cases. The State's percentage of [fully vaccinated residents](#) over 18 years old is approximately 77.8%. 72.2% of Oregon's total population are fully vaccinated.

Following the Western States Scientific Safety Review's approval of the Pfizer third dose, [Oregon authorized the administration of third doses](#) to eligible individuals on September 28, 2021, and booster shots for all three vaccine manufacturers on October 22, 2021. The "mix-and-match" method was also approved. In accordance with the Western States Scientific Safety Review's recommendation, Oregon began administering the [Pfizer COVID-19 vaccine to children aged 5 to 11](#) on November 3, 2021. In conjunction with the approval of the Western States Scientific Safety Review, Oregon began [administering booster doses of COVID-19 vaccines](#) to all fully vaccinated adults on November 20, 2021.

Governor Brown, on June 1, 2021, signed [House Bill 2009](#), which extends the State's foreclosure moratorium until the end of the COVID-19 state of emergency declaration.

The governor officially extended the mortgage foreclosure moratorium for residents until December 31, 2021. However, the eviction moratorium expired on June 30, 2021. Tenants will have until next year to repay rent for April 2020-June 2021, but they need to pay rent for July 2021 on time. However, under [Senate Bill 278](#), tenants who apply for rental assistance programs and cannot pay rent for July or August of 2021 are eligible for a 60-day eviction extension.

The State has announced a plan to resume full-time in-person school this upcoming fall. On August 2, 2021 the Oregon Health Authority adopted [OAR 333-019-1015](#), which requires face coverings in all indoor K-12 school settings. This requirement is reflected in the most recent [Ready Schools](#)



[Resiliency Framework](#). The governor indicated in [Executive Order 21-15](#), which rescinded previous school guidance, that local officials will review and enact appropriate protocols from government agencies. To view the State's full return to school plan, see [here](#).

[Governor Brown](#) ended the [testing alternative to vaccination](#) for all healthcare workers in Oregon on August 19, 2021. Under the new rule, all healthcare workers must be fully vaccinated by October 18, 2021. The statement also announced that Oregon would be [requiring all teachers](#), administrators, and staff in K-12 schools be vaccinated by October 18, 2021.

Oregon OSHA fine an Oregon school district over \$11,000 for COVID-19 precaution violations. Each violation results in a penalty of just over \$400 for "serious" violations, and \$100 for each non-serious violation. Oregon OSHA fined the school \$10,500 for being "willful" with the violations, as the school district had published statements saying they would not be following legally required COVID-19 protocols.

Portland City police officers objected to the City's requirement that get vaccinated, as the City mandates its health care workers. Under Oregon law police officers may only be compelled to accept mandatory vaccinations where they are required by state or federal law ([ORS 433.416](#)). The police officers' position was reinforced by a September 3, 2021 [Oregon Health Authority guidance](#). Moreover, on October 8, 2021, a judge [rejected the petition](#) of a group of Oregon state troopers and healthcare workers to halt the state's vaccine mandate. The court said the vaccine mandate was within the police powers of the state.

The State also issued [Guidance \(Recommendations\) for Travel](#) on March 30, 2021. This guidance provides that persons arriving in the State from other states should, but are not required to, self-quarantine for 14 days after arrival and limit their interactions to individuals in their immediate household. Quarantine recommendations do not apply to fully vaccinated individuals.

On September 9, 2021, a group of healthcare workers in Oregon [filed suit against the state](#), alleging that the state did not have standing to apply the vaccine mandate to them, as they already had natural immunity to the virus. On October 19, 2021, the United States District Court for the District of Oregon [denied the plaintiff's motion for Temporary Restraining Order](#). The judge determined that the plaintiffs had failed to demonstrate irreparable harm, and that there was strong justification for the vaccine mandate. Following a similar motion, the United States District Court for the District of Oregon also [denied an expedited motion for a Temporary Restraining Order](#) from a group of 42 state employees. The plaintiffs attempted to argue that the 14<sup>th</sup> Amendment and the Nuremburg Code insulated them from being coerced into taking medication. The judge declared that the choice between vaccination and job was not the kind of coercion condemned by the international community, and not at all comparable to being forced to participate in clinical trials.

Currently, all Oregon residents over the age of 12 are eligible to receive the COVID-19 vaccine. The State, however, is administering the Pfizer COVID-19 vaccine to anyone 12 years and older. In accordance with FDA approval and guidance, the Moderna and Johnson & Johnson vaccines are only available to individuals ages 18 and older. The State is now recommending a third dose of the Pfizer or Moderna vaccine for immunocompromised people. An overview of vaccine eligibility can be viewed [here](#).

The mayor of Portland intends to enforce a plan to require city workers to either get vaccinated or get tested each week. The State implemented a similar plan for State workers, but its plan does not include a testing option. [The State finalized a deal](#) with a staffing agency on August 25, 2021 to bring in up to 500 health care workers to aid hospitals and long-term care facilities in Central and South Oregon.

News sources reported that Oregon State University students have filed a [class-action lawsuit](#) against the University and its board of trustees demanding repayment for tuition and other mandatory fees citing the University's COVID-19 campus closure and transition to online learning. Specifically, the class-action complaint claims of breach of contract and unjust enrichment against the University. The law firm representing the students have also brought similar lawsuits against several universities across the country. A similar lawsuit was brought against the University of Oregon as well.

The Oregon Health and Science University has announced a [COVID-19 vaccine requirement](#) for “all employees, learners, and volunteers.” OHSU is reporting a vaccination rate of over 96%.

Oregon law has historically prohibited employers from requiring vaccinations as a condition of employment for healthcare workers, unless the vaccination is otherwise required by federal or state law, rule, or regulation. “Healthcare workers” under Oregon law include: (1) persons licensed to provide healthcare; (2) an employee of a healthcare facility; (3) an employee of a licensed healthcare provider; (4) an employee of a clinical laboratory; (5) a firefighter; (6) a law enforcement officer; (7) a corrections officer; or (8) a parole or probation officer.

However, [the governor](#) plans to implement [a rule in September regarding healthcare worker vaccinations](#). The rule requires healthcare workers to either get vaccinated or submit to weekly testing by October 18, 2021. Additionally, Kaiser Permanente went a step further and mandated the vaccine for all employees. The Service Employees International Union 503 [successfully negotiated with Governor Brown](#) to delay the deadline for state employees to be vaccinated. State employees represented by Union Local 503 now have until November 30, 2021, to become fully vaccinated. State employees represented by AFSCME Council 75 who have received the first dose of the vaccine now [also have until November 30, 2021, to become fully vaccinated](#).

The Oregon State Board of Nursing [voted to investigate and pursue sanctions against practicing nurses who remain unvaccinated](#), on October 13, 2021. While the Board will investigate and punish, it will not actively police nurses. To trigger an investigation, a complaint must first be filed.

Lewis & Clark College [reportedly](#) will require students to be vaccinated against COVID-19 for the upcoming fall term, with certain exceptions. Willamette University [reportedly](#) also issued a similar vaccine mandate as Lewis & Clark College with the additional requirement that employees also be vaccinated. Every public university in the State, including the University of Oregon and Oregon State University, will also [require](#) the vaccine to return in the fall.

The Portland Timbers and Portland Thorns will require fans at their home games to present proof of vaccination or a negative test result from the previous 48 hours.

Oregon OSHA has lifted its mask and social distancing requirements in workplaces. This change does not apply to health care facilities and public transportation. Regulations that remain in effect include those involving ventilation, reporting of COVID-19 cases, and quarantine guidance.

Despite earlier messaging, Oregon OSHA has [delayed adoption of a state vaccination or testing requirement](#). Oregon OSHA has failed to adopt a standard or plan by the original deadline of December 4, 2021, although there will be no legal repercussion for this failure due to the U.S. Court of Appeals for the Fifth Circuit's temporary stay on the federal Emergency Temporary Standard.

Oregon state courts [require social distancing requirements](#) be maintained in all court-controlled public areas. Further, a September 16, 2021 [Chief Justice Order imposed a vaccination requirement](#) for all judges and staff. Judges and staff have until October 1, 2021 or 35 days after their first dose (whichever is later) to become fully vaccinated.

Governor Brown signed [HB 4402](#), which limits liability for school districts, union high schools, education service districts, public charter schools, private schools, and community colleges. The Oregon House of Representatives were considering a [proposed amendment](#) to legislation that would grant immunity to individuals and business entities for damages arising out of acts or omissions that complied with applicable governmental guidance regarding COVID-19. The immunity would not apply to acts of gross negligence, reckless, wanton or intentional misconduct. As for healthcare providers, the State Senate introduced [SB 1802](#) and [1803](#), which would provide COVID-19 liability immunity to healthcare providers. However, this immunity would not apply to, among other things, acts or omissions constituting gross negligence or reckless, wanton, or intention misconduct.

The Oregon State Senate passed [SB 780](#), to shield health care workers from civil liability if they could show their action or omission was due to following provisions enacted by either the state or federal government because of COVID-19. Protections would not cover occasions of gross negligence, discrimination, intentional or reckless misconduct, and certain other circumstances. The State Senate passed the bill on May 7, 2021, however the bill is still being considered by the State House of Representative as of November 1, 2021.

Lastly, a federal judge recently ruled against a group of business owners and political action committees seeking a restraining order against the governor's COVID-19 restrictions. The judge said they lacked adequate facts and legal support for such an order. The lawsuit seeking an order preventing the restrictions' enforcement remains ongoing.

The Oregon Health Authority noted a [significantly higher than average rate of positive tests](#) on November 16, 2021, but no other indicators of an oncoming surge (such as hospitalization rates). State epidemiologists have not yet found a correlating incident or cause. The Oregon Health Authority has launched an investigation both into community factors and technical issues that may have caused the increase in positive tests.

As of October 21, 2021, the [Moda Center](#) (until recently known as the Rose Quarter), the home of the Trailblazers, requires all attendees age 12 and up provide proof of vaccination or a negative COVID-19 test. All guests must wear appropriate face coverings at all times. The stadium has transitioned to digital only ticketing, and cashless transactions.

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*Information for Oregon was updated on December 9, 2021*

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## PENNSYLVANIA

### Operative Plans and Orders:

[Governor's Stay-at-Home Order](#)  
[Secretary of Health's Stay at Home Order](#)  
[Process to Reopen Pennsylvania](#)  
[Limited Time Mitigation Order December 10, 2020](#)

### Relevant Websites:

[PA COVID-19 Response Guide](#)  
[PA Department of Health Coronavirus Hub](#)  
[Guidance for Businesses](#)  
[School Reopening Guidance](#)

**On May 31, 2021, the elimination of COVID capacity limits and other restrictions on gatherings, restaurants, and other Pennsylvania businesses went into effect. On June 28, 2021, the universal mask mandate was lifted in Pennsylvania. ~~The Delta Variant has been detected in Pennsylvania.~~**

### General Statewide restrictions:

Like many states, Pennsylvania left the decisions with respect to school reopening in the hands of school districts including whether to allow in-person learning, remote learning or hybrid models. Guidance and resources for schools during the COVID-19 pandemic is posted by the Pennsylvania Department of Education on its website, which can be found at: [Guidance and Resources from Pennsylvania Department of Education](#). On March 30, 2021, Governor Wolf announced new recommendations for schools. The state's new recommendations follow federal guidelines from the U.S. Centers for Disease Control and Prevention, the administration said. The state is also advising schools they can close for shorter periods if new cases are identified. Pennsylvania's Health and Education Departments issued a joint statement saying schools should keep students at least 3 feet apart in classrooms. Previously, schools were asked to keep kids 6 feet apart. The state's new recommendations and guidance take effect April 5, 2021.

Lafayette College, Lehigh University, the University of Pennsylvania and Carnegie Mellon University all require students to be fully vaccinated (including booster) to be on campus for the Spring 2022 semester

On May 31, 2021, the elimination of COVID capacity limits and other restrictions on gatherings, restaurants and other Pennsylvania businesses went into effect.

A mask requirement in Montgomery County, Pennsylvania went into effect on August 16, 2021 for staff and visitors in county buildings and facilities. In addition, Montgomery County Commissioners in consultation with the Office of Public Health announced wearing a mask is now recommended for the general public for all indoor spaces.

Since December 2021, school districts are in charge of whether to implement a mask mandate or not.

### **Vaccines:**

All individuals 18 and above in Pennsylvania are eligible to get vaccinated with either the Pfizer, Moderna or Johnson and Johnson Vaccine. Residents between the age of 5-18 are allowed to receive the Pfizer vaccine. To find more information about its vaccinations programs, see [here](#).

As of March 3, 2022, 67% of Pennsylvania residents are fully vaccinated.

### **COVID-19 Legislation:**

On May 6, 2020, the Governor signed an [Executive Order](#) to afford healthcare professionals liability protection for good faith actions taken in response to mitigating the COVID-19 pandemic. The order grants immunity to any individual who is a certified healthcare professional in Pennsylvania and who is providing COVID-19 treatment or services during the COVID-19 emergency response. In addition, the order extends immunity to healthcare professionals in Pennsylvania that provide services in any healthcare facility, nursing facility, personal care home, assisted living facility or any alternate care site, community-based testing site or non-congregate care facility used for the purpose of conducting emergency services related to COVID-19. However, the order does not extend immunity to acts or omissions that constitute a crime, gross negligence, or fraud, malice, or other willful misconduct.

On March 2, 2021, Governor Tom Wolf announced that the COVID-19 Hospitality Industry Recovery Program (CHIRP) would provide relief for business. The \$145 million state program was approved by the General Assembly. The relief funds, which were reappropriated from the workers' compensation fund to the state's general fund, will be available specifically for the hospitality industry.

Governor Tom Wolf on June 11, 2021 signed legislation to extend hundreds of waivers of regulations that his administration approved over the last 15 months under the authority of his pandemic disaster emergency declaration that lawmakers voted to end. The suspended regulations cover a wide swath of government requirements, including licensing, inspections and training. The Wolf administration maintains that dissolving the disaster emergency does not affect a health secretary's disease-prevention authority to issue mask-wearing and stay-at-home orders or shut down schools and nonessential businesses. On September 29, 2021, PA lawmakers voted to extend all waivers until March 2022.

On November 12, 2021, Governor Tom Wolf signed House Bill 425 into law to help restaurant and bar owners recover from the impact of the COVID-19 pandemic. House Bill 425, sponsored by Rep. Matthew Dowling, R-Uniontown, initially was introduced to help restaurants and bars with liquor licenses that are closing sell their remaining liquor or wine to other qualified licensees. The current law allows an establishment to sell unused product only to the entity that purchases their liquor license. As the bill advanced, it was expanded to address bars and restaurants serving alcoholic beverages in outdoor seating areas. The bill allows the Liquor Control Board to extend the licensed premises of a liquor license holder to include outdoor serving areas and to remove certain restrictions on off-premises catered functions until Dec. 31, 2024. The law also adds an additional year of safekeeping to any restaurant, eating place, retail dispenser, hotel, distributor, club or catering club license that was in safekeeping during the emergency disaster declaration.

### Philadelphia:

On June 2, 2021, "Safer at Home" restrictions, like maximum capacity limits, density limits and distancing rules were lifted. On March 2, 2022, Philadelphia ended its indoor mask mandate, the city anticipated it would also end the requirement for children to wear masks in schools on March 9, if the metrics keep moving downward. The Philadelphia Sixers and Philadelphia Flyers are currently playing at full fan capacity. In all Philadelphia stadiums, masks are required in indoor spaces for all fans regardless of vaccination status.

*Information for Pennsylvania was updated on March 3, 2021*

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## RHODE ISLAND

### Operative Plans and Orders:

[Executive Order 21-116](#) (December 16, 2021)

[Executive Order 22-04](#) (January 18, 2022)

[Executive Order 22-15](#) (February 11, 2022)

### Relevant Websites:

[RI COVID-19 Website](#)

[Reopening RI](#)

[Executive Orders](#)

**On February 11, 2022, State mandates requiring face coverings or proof of vaccination for businesses expired. Additionally, State-imposed indoor masking requirements on K-12 students ended on March 4, 2022. Cities, towns, and school administrations may implement their own masking policies using updated recommendations. All Rhode Islanders ages five and older are eligible to receive a COVID-19 vaccine.**

The Rhode Island Department of Health is implementing a new COVID-19 risk assessment based on updated guidance from the CDC. The new guidance measures risk on a county basis. Rhode Island is currently considered a low risk area, meaning there are fewer than 200 new COVID-19 cases in the past seven days. Areas with a low COVID-19 Community Level apply the recommended precautions including staying up to date with vaccinations and ensuring



accessibility of vaccination centers for disproportionately affected populations. Masking is not required but highly recommended to wear when possible.

As of April 19, 2022, 81.8% of Rhode Island's population is fully vaccinated and 39.9% received a booster dose. According to CDC guidelines, individuals 12 years and older are considered fully vaccinated: (1) two weeks after their second dose of a two-dose series of the Pfizer-BioNTech or Moderna vaccines; (2) two weeks after their single dose of the Johnson & Johnson (Janssen) vaccine; or (3) they received another COVID-19 vaccine licensed for use by the United States Food and Drug Administration (FDA) or authorized for emergency use by the World Health Organization (WHO). Children ages five to 11 years old are considered fully vaccinated two weeks after their second dose of a two-dose Pfizer-BioNTech vaccine. The State's vaccination plan may be viewed [here](#). For more information on the State's plan and the COVID-19 vaccine, please see [RI COVID-19 FAQs](#) and [Vaccine Information](#). Federal health officials have authorized a second booster dose of COVID-19 vaccine for people ages 50 and older. The second booster dose of an mRNA vaccine of Pfizer or Moderna can be administered four months after their first booster dose.

Schools reopened for full time, in person learning, at the start of the fall 2021 semester. Effective March 4, 2022, universal indoor face-covering requirements were lifted. School districts will no longer need to provide distance learning options. Additionally, school committees may implement their own masking policies using updated recommendations. Moreover, all colleges and universities in the State require all students and employees to be fully vaccinated unless they qualify for an exemption.

All healthcare workers were required to be vaccinated by October 1, 2021. Religious and medical exemptions are available. This requirement applies to workers at nursing homes, hospitals, and long-term care facilities. [Through an email](#) sent to healthcare providers on September 7, 2021, Governor McKee specified that healthcare workers who do not get the COVID-19 vaccine or an appropriate exemption by the October 1, 2021, deadline will be put on unpaid leave until they get the vaccine, for a maximum of 75 days. In a weekly media briefing on September 21, 2021, [Governor McKee announced](#) the enforcement strategy for the healthcare worker vaccine mandate – providing employers a 30-day window to ensure appropriate positions are held by fully vaccinated workers. The two largest hospitals in the state, Care New England and Lifespan Health System, [are reporting 99% or higher compliance rates](#) with the vaccine mandate.

The United States District Court for the District of Rhode Island issued [an order denying the request of four healthcare workers](#) to strike down the State's vaccine mandate for healthcare professionals on September 30, 2021. The court found that the State's vaccine requirements were a constitutionally valid exercise of the State's police powers. Further, the judge found that although the regulation was silent on the issue, it did not prohibit, or make physically impossible, reasonable accommodations for religious exemptions.

Rhode Island lawmakers have introduced [H. 5989](#) that would bar discrimination against people who choose not to receive a COVID-19 vaccination. The proposed bill would prohibit the governor from creating a vaccine mandate and protect employees from being fired by their employer, from being refused a hotel room, and from being refused a loan from a financial institution based on

vaccination status. This bill was based on concerns that people who do not get vaccinated would be discriminated against. No decision has been made regarding this bill and it is being held for further study.

Through [Executive Order 20-21](#), issued on April 10, 2020 (renewed on September 2, 2020 by [Executive Order 20-70](#), December 30, 2020 by [Executive Order 20-111](#), January 27, 2021 by [Executive Order 21-08](#), and again on May 28, 2021 by [Executive Order 21-61](#)), the State's chief executive extended statutory immunity to "disaster response workers" as contemplated by Rhode Island General Laws § 30-15-15. Disaster response workers, including health care workers at hospitals, nursing facilities, and alternative nursing care sites who comply with State executive orders and regulations are immune from suit for the death of or injury to persons, or for damage to property, as a result of their COVID-19 response activities except in instances of willful misconduct, gross negligence, or bad faith. The governor also extended this immunity to premises operators that converted their properties to serve as surge hospital locations. Legislators in the Rhode Island House of Representatives proposed [H.B. 8066](#) on June 18, 2020. The bill seeks to establish a presumption for any worker who developed symptoms of or otherwise became infected with COVID-19 "that results in a period of hospitalization, quarantine, or requires self-quarantine measures as a result of being infected or coming into contact with someone who is infected...shall have their medical condition or incapacity to work presumed to be work-related." The bill has not left the House Labor Committee.

Rhode Island lawmakers also proposed [H.B. 5264](#), which would classify any disability or quarantine resulting from COVID-19 as an "occupational disease" during a declared state of emergency. This bill also would create a rebuttable presumption that certain workers who contracted COVID-19 during that state of emergency did so in the course and scope of their employment. The proposed legislation would apply to licensed healthcare workers having direct or indirect contact with COVID-19-positive patients, public safety workers, essential workers including grocery and transportation workers that have contact with the public, and any other workers designated as "essential" during a declared state of emergency.

The Rhode Island House passed [H. B. 6208](#), which prohibits insurance companies from imposing any out-of-pocket deductible or copay for COVID-19-related medical services. Such services include emergency or inpatient medical care. The prohibition lasts until the end of the state of emergency. The bill also prohibits copays for COVID-19 vaccination or testing.

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*Information for Rhode Island was updated on April 20, 2022*

## **SOUTH CAROLINA**

### **Operative Plans and Orders:**

[SC Executive Orders](#)  
[Executive Order 2021-23](#)  
[Wilson v. City of Columbia](#)

### **Relevant Websites:**

[SC COVID-19 Website](#)  
[SC AccelerateSC COVID-19 Response Website](#)

**There is no statewide mask mandate in South Carolina. Governor Henry McMaster has encouraged mask wearing, but has taken the position that a statewide requirement would be unenforceable. South Carolina guidelines encourage businesses to reopen with employees wearing masks, especially in settings where social distancing is not feasible. There is no statewide travel restriction in place, however those returning from travel in the previous 14 days are asked to stay home as much as possible. On June 7, 2021 Governor McMaster ended the state of emergency in South Carolina.**

**All South Carolinians 18 and up are eligible to receive the Moderna and Johnson & Johnson vaccines. Anyone 12 and up is eligible to receive the Pfizer vaccine. Currently, 49% of people living in South Carolina are fully vaccinated against COVID-19.**

**The South Carolina Supreme Court sided with the Governor and the state's workforce director, ruling that Governor McMaster had the legal authority to order the state to stop participating in federal COVID-19 unemployment benefit programs. The Court unanimously affirmed a lower court's decision to dismiss a lawsuit brought by 4 South Carolina residents seeking to block the Governor's decision.**

**On October 5, 2021, the 4th U.S. Circuit Court of Appeals denied state Attorney General Alan Wilson's request that South Carolina's law prohibiting school mask mandates be allowed to take effect while a lawsuit over the COVID-19 pandemic measure goes forward. South Carolina districts can continue to require face coverings to protect against the coronavirus in the state's schools pursuant to the appellate court's decision this week.**

**On May 12, 2021 Governor McMaster issued an executive order banning vaccine passports in the state and preventing schools and local governments from creating mask mandates. The executive order gives parents, not schools or school districts, the power to decide if their child will wear a face covering while in class, defying guidance from the CDC.**

**There is no statewide mask mandate in South Carolina and State leaders including the Governor have repeatedly stated that mask wearing is an individual choice. The Governor stated on August 9<sup>th</sup> that although mask wearing in schools "would help" that such a measure is "not necessary" and that there are "negative consequences for all of that."**

**Certain counties, cities and towns, however, are re-instituting mask wearing mandates for government buildings including Charleston County beginning Monday, August 2, 2021. The Mayor of the City of Columbia declared a state of emergency during the first week of August and the city voted to make mask wearing in public schools mandatory for elementary and middle school students. The Governor has responded by publicly stating that mask mandates in public schools will not be allowed and violate South Carolina law.**

**On Thursday, August 19, 2021, the South Carolina Attorney General file a complaint against the City of Columbia's emergency ordinance directing schools to require masks. On August**

**20<sup>th</sup> the Richland County School District petitioned the South Carolina Supreme Court to deny the enforcement of the law contained in the state budget prohibiting the use of state funds to mandate masks or enforce a mask mandate.**

**The Attorney General, Alan Wilson, filed suit against the city of Columbia after the city passed local legislation contradicting the state's mask mandate requirements. The state legislature elected to leave the ultimate decision to the parents. The Supreme Court of South Carolina found that the City of Columbia's challenged ordinance cannot stand. The court ruled that the supreme legislative power is vested in the South Carolina General Assembly, not the local government. AG Wilson was one of 24 signatories of states attorneys general to a letter dated September 16, 2021 address to President Biden arguing that the Presidential COVID-19 Plan was unconstitutional.**

**Pickens County, the largest school district in South Carolina, reverted to virtual learning after over 140 students tested positive for COVID-19 and at least four staff members were hospitalized due to the virus.**

**On August 26, 2021, State School Superintendent Molly Spearman issued a letter to transportation directors in South Carolina mandating the wearing of masks on school buses. The requirement goes into effect on August 30, 2021.**

**The University of South Carolina recently announced that it would require students to wear masks indoors this fall for the upcoming academic year. The University reversed the decision after an opinion from the Attorney General advised that the policy would contradict a clause in a budget proviso this summer indicating that no public university could mandate the wearing of masks.**

**A petition filed by a University of South Carolina Professor is seeking to have the South Carolina Supreme Court to decide whether the state's colleges and universities can require faculty, staff and students to wear masks while indoors. Furman University and Wofford College have instituted vaccination requirements for students.**

**The City of Charleston issued a directive that all City employees must be fully vaccinated by November 22, 2021. On September 24, 2021, more than 40 city employees, including dozens of first responders, filed a lawsuit against the City of Charleston saying its COVID-19 vaccine requirement is unconstitutional.**

**North Charleston Mayor Keith Summey announced that all employees, volunteers and interns must be fully vaccinated by November 5, 2021. Employees, volunteers and interns can also file for a medical or religious exemption. Those requests for exemptions will be reviewed by the city's human resources department and must be submitted by September 20, 2021, according to the city's mandatory COVID-19 vaccination policy.**

**On April 20, 2020, Governor McMaster implemented AccelerateSC, a COVID-19 advisory team assembled to analyze and recommend economic revitalization plans throughout the state. [AccelerateSC](#) is a website providing access to information and resources such as guidance on face coverings, telehealth providers, and filing unemployment claims. Additional reopening guidance**

for businesses, including manufacturers, hotels, and restaurants, may be found on the [SC Department of Commerce COVID-19 Resources](#) website.

Throughout May, many non-essential businesses reopened including in-door dining, entertainment venues, arcades, museums, children's indoor play areas, bingo halls, social clubs, athletic facilities, playgrounds, commercial gyms, fitness centers, and public or commercial pools all with suggested limitations and restrictions.

By the end of May, after seeing a spike in positive cases, Governor McMaster pulled back certain reopening efforts by issuing [Executive Order 2020-38](#) and restricting visitation to correctional facilities, and detention centers, as well as activating members of the South Carolina National Guard to active duty to assist carrying out safety measures in the state.

On June 23, 2020, Governor McMaster announced a restaurant safety initiative, the [Palmetto Priority](#). The initiative is a formal commitment by South Carolina restaurants to provide and maintain clean and safe environments for staff and customers. The Palmetto Priority requires restaurants to, among other measures, practice sanitization procedures between customers and provide additional safety training.

On July 29, 2020, the Governor made certain restaurant guidelines mandatory, which had previously only been encouraged." All employees and patrons at restaurants must wear face coverings, tables must be spaced six feet apart, each table is limited to eight customers and bar areas must be closed. Pursuant to [Executive Order 2020-63](#), restaurants are now allowed to operate at 100% occupancy.

On September 1, 2020 the SC Department of Health and Environmental Control issued [Guidance for Outdoor Visitation](#) at nursing homes and long-term care facilities. The guidelines allow for fifteen minutes visits unless the visitor can provide documentation of a negative COVID-19 test within the prior five days, or a positive COVID-19 antibody test within the prior thirty days.

On April 28, 2021, the Governor signed into law the "South Carolina COVID-19 Liability Immunity Act" which is retroactive to March 13, 2020. The law establishes liability immunity for a limited period of time covering healthcare providers and businesses. The immunity is dependent upon following public health guidance issued in response to the pandemic. The law also provides immunity for medical services and, as with most such legislation, does not provide immunity in the case of gross negligence, reckless, willful or intentional conduct. The law does not apply to worker compensation claims in the State. The new law only relates to claims arising between March 13, 2020 and June 30, 2021 or 180 days after the pandemic state of emergency is lifted.

On June 24, 2021 Governor McMaster signed [S.147](#), the South Carolina COVID-19 Liability Safe Harbor Act. The pro-business bill provides legal immunity to businesses, state agencies, and healthcare facilities that reasonably adhered to public health guidelines at the time a coronavirus-related claim arose. Businesses and employers will retain immunity unless it is proven by clear and convincing evidence that the business caused an injury or damage from grossly negligent, reckless, willful, or intentional misconduct. A medical provider will retain immunity unless it is

proven by a preponderance of evidence that the provider caused an injury or damage from grossly negligent, reckless, willful, or intentional misconduct.

*Information for South Carolina was updated on October 17, 2021*

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## **SOUTH DAKOTA**

### **Operative Plans and Orders:**

[SD Back to Normal Plan](#) (April 28, 2020)

[Executive Order Implementing Back to Normal Plan](#) (April 28, 2020)

[Executive Orders](#)

### **Relevant Websites:**

[SD COVID-19 Website](#)

[SD Dept. of Health COVID-19 Website](#)

**No businesses in South Dakota were ever required to close. There are no restrictions on gatherings or travel and there is no face covering mandate. Rather, South Dakotans are expected to use common sense and maintain reasonable physical distancing.**

On April 28, 2020, Governor Kristi Noem issued the “Back to Normal Plan.” Under the plan, individuals should continue to practice good hygiene, stay home when sick, and practice social distancing. Employers should encourage good hygiene and sanitation and encourage employees to stay home when sick. As of April 28, 2020, employers previously operating via telework could begin transitioning employees back to the workplace, but were to screen employees for symptoms prior to entering the workplace. Retail business may consider restricting occupancy, but no restrictions are required.

The South Dakota Department of Health has published additional [general guidance for employers](#) as well as checklists to assist the following businesses in operating safely: [close contact services](#), [restaurants](#), [retail](#), [hotels](#), and [manufacturing](#).

The South Dakota Department of Education issued many guidelines for the return to school, including [Starting Well 2020: A Guide for Schools](#). The Department of Education has put a strong emphasis on a return to full in-person education, but allows each school district to make their own decisions based on the scientific data and the best interest of the students and staff. For in-person learning, masks are recommended, but not required.

On February 17, 2021, Governor Noem signed [House Bill 1046](#) into law. This law bars lawsuits from employees, customers, or others claiming they were exposed to COVID-10 at a particular business or premises, unless the person bringing the lawsuit can prove the business owner intentionally exposed them to the virus.

South Dakota progressed through a six-phase [COVID-19 vaccination plan](#), which allowed all individuals ages 16 and older to receive a vaccine as of April 5, 2021. As of May 13, 2021, all individuals ages 12 and older became eligible to receive the Pfizer vaccine. As of March 14, 2022,



[532,592](#) residents of South Dakota have been fully vaccinated, marking 60% of the entire population of South Dakota and [665,541](#) residents have received at least one dose of the vaccine, marking 75% of the state's population, and [214,737](#) residents have received a booster dose, marking 24% of the population.

Sanford Health is requiring all workers to be vaccinated by November 1, 2021.

Effective April 20, 2021, Governor Noem signed [Executive Order 2021-08](#) into law. The Order prohibits any state agency, department, board, commission, executive branch entity or official under the control of the Governor, or local government or subdivisions of the local government from requiring an individual or private business to show a COVID-19 vaccine passport or proof of vaccination in order to enter government premises, receive government benefits or licenses, or to do business with the government. The Order also prohibits the requirement of government agencies or subdivisions from requiring private businesses mandating patrons present COVID-19 passports.

On October 27, 2021, Governor Noem signed [Executive Order 2021-14](#) into law, which allows South Dakota state employers to deny President Biden's federal vaccine mandate requiring employers with more than 100 employees to require that employees are vaccinated or test negative weekly.

South Dakota has joined eight other states in filing a [lawsuit](#) against President Biden's administration in regard to challenging the issuance of the COVID-19 vaccine mandate for federal contractors. The states argue that the mandate is unconstitutional and violates federal procurement law.

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*Information for South Dakota was updated March 24, 2022*

## **TENNESSEE**

### **Operative Plans and Orders:**

[Executive Order No. 38](#) (May 22, 2020)  
[Senate Bill – 8002](#)  
[SB 9014](#)

### **Relevant Websites:**

[Office of Governor-COVID-19 Information](#)  
[Reopening Tennessee Responsibly](#)  
[Roadmap for Reopening Nashville](#)  
[Memphis COVID-19 Updates](#)

**Governor Bill Lee signed SB 9014 which prohibits the governor (unless acting under emergency powers during a state of emergency) or any other state entity from implementing a number of COVID restrictions. Included in the legislation orders and rules mandating vaccination and showing proof of vaccination for entry by both private and government entities are not permitted.**

**U.S. District Court Judge Waverly Crenshaw temporarily blocked the legislation from restricting school boards from implementing mask requirements. However, the statute remains effective on other government entities.**

**Between April 24, 2020, and May 22, 2020, Tennessee Governor Bill Lee issued several executive orders that allowed certain businesses to reopen as long as social distancing of at least six feet is observed and employers implement policies following state and federal guidance for social distancing, temperature checks, sanitation, and reduced business travel.**

**On April 27, 2021, the Governor declared that COVID-19 is no longer a statewide public health crisis and announced a new executive order ending the statewide public health orders and terminated local authority with respect to mask wearing in the State's 89 counties that lack independent health departments and urged officials in the counties of Shelby, Madison, Davidson, Hamilton, Knox and Sullivan to remove any and all remaining mask mandates in business restrictions before Memorial Day. Governor Lee has vowed to fight President Biden's COVID-19 vaccine mandate for Federal employees.**

**Tennessee is administering the Pfizer COVID-19 vaccine to anyone 5 years and older. In accordance with FDA approval and guidance, the Moderna and Johnson & Johnson vaccines are available in Tennessee to anyone age 18 and older. Approximately 54.1% of people living in Tennessee are fully vaccinated against COVID-19.**

**On August 25, 2021, the Governor recommended during a press conference that children wear masks in schools. On August 26<sup>th</sup> Shelby County filed a lawsuit against Governor Lee alleging that the executive order allowing parents to opt out of school mask mandates prevents the County from providing a healthy and safe environment in public schools. On November 12, 2021, After Governor Lee's mask mandate ban went into effect, Shelby County filed an emergency motion that asks for clarification of its authority. The injunction allows Shelby County to enforce its health orders without exception to Governor Lee's Executive order no. 84.**

**Bridgestone Arena in Nashville does not require guests to wear masks attending events at the venue including home games for the NHL's Nashville Predators.**

**United States District Court Judge Sheryl Lipman issued a preliminary injunction blocking the Governor's opt-out option; the preliminary injunction remains in place. Two Williamson County families also filed a lawsuit against the Governor in the United States District Court in Nashville over the opt-out option. On September 27, 2021, a third federal judge blocked the Governor's order allowing families to opt out of school mask mandates. All three lawsuits claimed that Lee's order violates the Americans with Disabilities Act, which prohibits the exclusion of students with disabilities from public educational programs and activities.**

**The University of Tennessee strongly encourages mask wearing by faculty, staff and student but cannot require them. Additionally, the University of Tennessee cannot require vaccinations but strongly recommends them. Vanderbilt University instituted a vaccination mandate.**

On May 28, 2021, [HB 1003](#) was signed into law. The bill establishes certain restrictions on requiring persons to be vaccinated for COVID-19. The bill's language prohibits the governor from issuing an executive order, a state agency or department from promulgating a rule that requires a person to receive a COVID-19 vaccination. Additionally, the bill Revises the present law provisions governing immunization of school children. Under present law, the commissioner of health is authorized to designate diseases against which children must be immunized prior to attendance at any school, nursery school, kindergarten, preschool or child care facility of this state; and it is the responsibility of the parents or guardian of children to have their children so immunized.

Present law provides that in the absence of an epidemic or immediate threat of an epidemic, these provisions do not apply to any child whose parent or guardian files with school authorities a signed, written statement that the immunization and other preventive measures conflict with the parent's or guardian's religious tenets and practices, affirmed under the penalties of perjury. This amendment adds that these provisions do not apply to an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus.

On May 26, 2021 Tennessee Governor Bill Lee signed [SB 0858](#) which bans government-issued vaccine passports in the state. The bill prohibits the state “from requiring, or mandating that a private business require proof of vaccination against COVID-19 as a condition of entering upon the premises of the business or utilizing services provided by the business.” It also strips authority from the county boards of health and moves them to an advisory role. The bill became went into effect on June 2, 2021

**Nashville/Davidson County:** Nashville Mayor John Cooper indicated he would like to institute a mask mandate, but the legislation signed by Governor Lee prohibits mayors from taking such action. Metro Nashville Public Schools shifted from requiring face coverings to recommending them.

**Memphis/Shelby County:** On May 15, 2021 Mayor Harris ended the mask mandate in Shelby County for those who are fully vaccinated. Anyone who is fully vaccinated does not have to wear a mask indoors or outdoors, including large-scale events.

On January 5, 2022, Governor Lee denied Shelby County's request to issue a mask mandate.

On April 14, 2021, the Shelby County Health Department issued Health Directive No. 20 further lifting restrictions on businesses. The order opened buffets (but requires extra sanitation measures), permits dancing indoors if dancers maintain 6-feet of separation from those who are not in the same family unit or close contact group.

On May 14, 2021, the Shelby County Health Department issued Health Directive [No. 21](#) greatly reducing the number of mandatory restrictions in favor of highly recommended CDC guidance. The order provides one consolidated document for COVID-related information. Under the order, businesses, school authorities and public authorities who require masks must post proper “mask required” signage at frequently used entrances.

On June 9, 2021, the Shelby County Health Department issued Health Directive [No. 22](#) lifting almost all prior restrictions on businesses. The order removes references to the authority of private businesses and institutions to require masks as it is their authority to generally manage their facilities and operations. The order also continues to require individuals and businesses to cooperate with the Department's long-standing duty to carry out disease prevention measures, such as contact tracing, upon learning of a positive (or symptoms of) a COVID-19 case.

Additionally, it shortens the recommended preventive measures for businesses by eliminating guidance related to physical distancing as businesses are better suited for making site-specific determinations on appropriate spacing due to the increasing number of fully-vaccinated individuals in Shelby County.

On August 13, 2020, the State enacted a law that provides businesses with liability protection from COVID-19 related lawsuits. This law states, in relevant part, that “there is no claim against any person for loss, damages, injury, or death arising from COVID-19,” unless the claimant can prove by clear and convincing evidence that the person caused the loss, injury, or death by an act or omission constituting gross negligence or willful misconduct.

For purposes of the legislation, “person” means an individual, healthcare provider, sole proprietorship, corporation, limited liability corporation, partnership, trust, religious organization, associate, non-profit organization, or any other legal entity. Tennessee’s liability shield prohibits a potential plaintiff from filing a COVID-19 based lawsuits unless the complaint contains or is accompanied by a statement from a physician setting forth that the claimed injuries were caused by the business named in any lawsuit.

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*Information for Tennessee was updated on April 5, 2022*

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## TEXAS

### Operative Plans and Orders:

[Open Texas Report](#)  
[Executive Orders](#)

### Relevant Websites:

[Texas Coronavirus \(COVID-19\) Information](#)  
[Governor’s Strike Force to Open Texas](#)  
[Resources for Texas Businesses](#)

### Austin/Travis County:

[Austin Stay Home Order Information](#)  
[COVID-19 Prevention Guidelines and Order \(Stay Home Save Lives\)](#)  
[Travis County Novel Coronavirus \(COVID-19\) Information](#)

### Dallas/Dallas County:

[City of Dallas Coronavirus Information](#)  
[Dallas County Coronavirus \(COVID-19\) Updates and Information](#)

## [County Orders Issued by Judge Jenkins](#)

### [Houston/Harris County:](#)

[Houston Coronavirus Disease 2019 \(COVID-19\) Updates](#)  
[Ready Harris Stay Safe](#)  
[Harris County Public Health](#)

### [San Antonio/Bexar County:](#)

[COVID-19 San Antonio](#)  
[Bexar County Covid-19 Response](#)

**On March 3, 2021, Governor Greg Abbott issued Executive Order GA-34 lifting the mask mandate in Texas and increasing capacity of all businesses and facilities in the state to 100%. However, if COVID-19 hospitalizations get above 15% of the hospital bed capacity in any region for seven straight days, a County Judge in that region may use COVID-19 mitigation strategies. All residents aged five and older are eligible to receive a COVID-19 vaccine.**

As of April 19, 2022, about 77.14% of the population is vaccinated with at least one dose and 64.83% of the population is fully vaccinated.

Pursuant to [Executive Order GA-34](#), there are no COVID-19-related operating limits for any business or other establishment in all counties not in an area with high hospitalizations (as defined above). Moreover, individuals are no longer required, but are strongly encouraged, to wear a face covering whenever it is not feasible to maintain proper social distancing. Businesses may still limit capacity or implement additional safety protocols at their own discretion. In any county located in an area with above 15% COVID-19 hospitalizations for seven straight days, a county judge may implement COVID-19-related mitigation strategies provided, however, that: businesses and other establishments may not be required to operate at less than 50% capacity; no operating limits may be imposed for religious services; confinement in jail may not be imposed as a penalty for violating any order issued in response to COVID-19; and no criminal penalties of any kind may be issued for individuals refraining from wearing face coverings.

On November 6, 2021, the United State Court of Appeals for [the Fifth Circuit issued an administrative stay of President Biden's workplace vaccine-or-test requirement](#). Although the court did not employ a regular test for a stay or injunction, the Fifth Circuit determined that the "Grave statutory and constitutional issues" that the rule presents justified a stay of enforcement pending further litigation. This order was issued by a three-judge panel the day after the vaccine-or-test requirement was published. On November 12, 2021, the three judge panel [further granted a full stay pending review](#) for the plaintiffs. The court ordered that OSHA take no steps to implement or enforce the mandate in anyway. The decision was unanimous, with one Judge issuing a separate concurring opinion. In both the majority opinion and the concurring opinion immense skepticism was expressed on the validity of the OSHA standard. However, as challenges and appeals to this rule had been filed in all 12 geographic Circuit Courts in the U.S., a lottery was held to determine which court would hear the consolidated case. On November 16, 2021, it was determined that the [United States Court of Appeals for the Sixth Circuit](#) would consolidate and review the petitions. The challenge ultimately made its way to the Supreme Court on January 13, 2022, which put an end to the vaccine or test mandate. The court stated that OSHA did not have the power to implement a vaccine or test requirement for large businesses. Although Congress has

indisputably given OSHA the power to regulate occupational dangers, the agency does not have the power to regulate public health more broadly.

The [Omicron variant](#) of COVID-19 was confirmed in Texas on December 6, 2021.

On February 8, 2022, Governor Abbott filed a [preliminary injunction motion](#) urging the U.S. District Court for the Eastern District of Texas to exempt non-federalized members of the Texas National Guard from the Biden Administration's COVID-19 vaccine mandate. Governor Abbott Issued Executive Order GA-39 prohibiting any punishment to Guardsman for choosing not to receive the COVID-19 vaccine on August 25, 2022.

The Texas Workforce Commission [issued a public letter](#) encouraging employees to report violations of Executive Order GA-40, which prevents vaccine mandates. In response, Governor Abbott released a statement emphasizing that the executive order will be enforced.

On October 11, 2021, Governor Abbott issued [Executive Order GA-40](#) which seeks to prevent any entity can require the COVID-19 vaccination of anyone, employee or consumer, who objects for any reason, including person conscience. The order directly contravenes the President's Executive Order mandating vaccination for all employees of companies with more than 100 workers. At the same time Governor Abbott released this executive order, he also sent a [message to the state Senate](#) adding the issue to the agenda of the Third Special Session. Governor Abbott states that the order will be rescinded when legislation that matches the affect is passed.

[Executive Order GA-38](#) emphasizes many of the governor's previous mandates regarding COVID-19 and prohibits governments at any level from mandating COVID-19 vaccinations or masks in Texas. The order also reiterates that there are no capacity limits on businesses.

Governor Abbott issued a [proclamation certifying seven Constitutional amendments](#). Among those are provisions that prevent the State from "prohibiting or limiting religious services of religious organizations," and allow residents in certain facilities to always have a designated caregiver who may visit them in-person.

Following the State's third Special Session of the Legislature, Governor Abbott [announced that a distribution package](#) for the American Rescue Plan Act funds had been successfully passed. The plan will "appropriate[e] billions of dollars to bolster COVID-19 recovery." However, [Senate Bill 51](#), which would prohibit businesses from instituting vaccine mandates and was added as a late priority to the call for Special Session, failed to pass the senate.

Although a Texas trial court had issued an order obligating Texas' Memorial Herman Hospital to treat a patient with Ivermectin, a panel on Texas's First Court of Appeals [blocked this injunctive relief](#).

[Executive Order GA-39](#) prohibits any government entity from compelling any individual to receive the Covid-19 vaccine. The order, which Governor Abbott issued on August 25, 2021, specifically suspends [§ 81.082\(f\)\(1\) of the Texas Health and Safety Code](#), which allows health authorities to mandate immunizations. The order also prevents any entity that receives state funds



of any kind (including grants and loans) from requiring proof of vaccination as a condition of service.

Despite this executive order, the District Court in Texas has granted injunctions and allowed certain, but not all, school districts to implement mask mandates. On September 1, 2021, Governor Abbott signed [Senate Bill 15](#) into law. This bill provides state funding for virtual learning in schools.

The United States Court of Appeals for the Fifth Circuit [reversed the previously granted permanent injunction on the enforcement of Executive Order GA-38](#), which prevented schools from instituting face covering requirements. The district court determined that the executive order violated, and was preempted by, the ADA, the Rehabilitations Act, the Individuals with Disabilities Education Act, and the American Rescue Plan Act, and granted permanent relief on November 10, 2021. On Appeal, the Fifth Circuit Court granted Attorney General Paxton a temporary stay of this order, pending a full trial on the merits. The December 1, 2021, order finds that Attorney General Paxton is likely to succeed on the merits because the Executive Order does not entirely guarantee that the immunocompromised children will contract COVID-19 if they attend school.

Judge Lee Yeakel of the United States District Court for the Western District of Texas [released an opinion on November 10, 2021 which blocks enforcement of Executive Order GA-38](#), the Order that prohibited public schools for instituting mask mandates. The petitioners argued, and the court agreed, that the mask mandate ban violated the ADA by preventing certain students with disabilities from being able to participate fully and equally in school. The opinion further blocks the Attorney General's Office from bring further legal action against school districts that require face coverings and blocks the State from imposing fines or withholding funds from such schools.

On November 15, 2021, Attorney General Paxton, representing the state of Texas, [filed a lawsuit in the United States District Court for the District of Texas against the United States Department of Health and Human Services](#) alleging that the Medicare and Medicaid vaccine mandate, which requires that all facilities that receive federal funding for treating patients must require their employees to be vaccinated against COVID-19, is beyond the powers of the department.

On January 6, 2022, the Texas Court of Appeals Third District decision affirm the trial court's orders in imposing a temporary injunction to prevent the enforcement of GA-38. The court reasoned that the trial court did not abuse its discretion by granting the injunction and seeks to return the parties to the position they were in prior to GA-38.

Also contravening the Governor's order, Austin public health officials, in response to rising cases, instituted measures that urge unvaccinated individuals to wear masks and avoid gatherings. Additionally, city workers in Houston now must wear masks when in city buildings. Courts in Williamson County have also reinstituted a mask mandate.

The State Supreme Court ruled that while legal challenges to the governor's ban on mask mandates continue, his order can be enforced. The State is asking the Court to block schools from mandating masks as well.

Again in December 2021, the Texas Health and Human Services Commission provided [\\$308 million in emergency SNAP benefits](#). The additional allotment is expected to help feed 1.5 million households struggling due to COVID-19.

Governor Abbott signed [Senate Bill 8](#) into law on November 8, 2021. The bill allocates spending from the American Rescue Plan Act funds afforded to Texas. The biggest expenditure approved in this bill is \$7.2 billion to go to the Unemployment Compensation Fund, although other large allocations include over \$500 million for broadband infrastructure and over 378 million to support staffing needs for frontline workers. Along with the passage of this Bill, Governor Abbott issued a [filing statement](#) clarifying that the appropriation of funds does not accept the legality, or lead to, any COVID-19 vaccine mandate.

State leaders announced the launch of a [COVID-19 rapid testing program](#). Originally available as a pilot project for eight school districts, other districts may now opt-in. The program seeks to curb the spread of COVID-19 in schools by administering rapid antigen test to students and district workers. These rapid tests can provide results within fifteen minutes and will be offered to anyone in the school system who wishes to participate. Texas will also provide these rapid tests for summer camps in the State's continued effort to prevent COVID-19 outbreaks.

As of October 7, 2021, a new law adopted into the Texas Health and Safety Code [caps the cost that can be charged for COVID-19 testing](#), and requires transparency in pricing.

Currently, all residents five years and older are eligible to receive a COVID-19 vaccine. The State, however, is administering the Pfizer COVID-19 vaccine to anyone five years and older. In accordance with FDA approval and guidance, the Moderna and Johnson & Johnson vaccines are only available to individuals ages 18 and older. The State is also following the federal government's recommendation for immunocompromised individuals to receive a third dose of the Pfizer or Moderna vaccine. For more information on the COVID-19 vaccine in Texas, please see [Texas COVID-19 Vaccine Information](#).

Texas is administering the third Pfizer vaccine dose to eligible individuals identified by the FDA. [Booster doses for all approved COVID-19 vaccines](#) are now available for eligible individuals. In anticipation of the CDC's approval of vaccination for children aged five to 11, the State is set to receive 2.9 million adolescent doses of COVID-19 vaccines. [Children aged 5 to 11](#) became eligible for the Pfizer COVID-19 vaccine on November 3, 2021.

The State and counties have been opening vaccination sites to help accelerate the State's COVID-19 mass vaccination efforts. On January 27, 2021, the State launched a mobile COVID-19 vaccination clinic pilot program which is intended to provide COVID-19 vaccinations to five rural Texas counties. These mobile vaccination clinics will be run by Texas National Guard members. The initiative has expanded, and groups of five or more may now schedule mobile vaccination clinics. Some communities are also mobilizing churches, nonprofits, and community leaders to fight vaccine hesitancy.

The governor has prohibited state agencies and certain private businesses from requiring patrons to show a “vaccine passport” in order to receive services. The governor issued [Executive Order GA-35](#) reflecting this. Specifically, the order provides that no governmental entity can compel any individual to receive a COVID-19 vaccine administered under an emergency use authorization. Moreover, no state agency or public or private entity shall require a person to provide, as a condition of receiving any service or entering any place, documentation regarding the person’s vaccination status for any COVID-19 vaccine administered under an emergency use authorization. This order will remain in effect unless it is modified, amended, rescinded, or superseded by the governor.

The governor, on June 7, 2021, signed [Senate Bill 968](#), which codified the ban on vaccine passports. The law provides that businesses could lose their operating permits or licenses if they require customer vaccinations. Additionally, such businesses would be denied state contracts.

Similarly, Texas lawmakers have proposed [H.B. 1687](#), which would prohibit employment discrimination based on an employee’s vaccine status. Under this bill, if an employer fires, fails to hire, or otherwise discriminates against an individual because of that person’s unvaccinated status with respect to compensation or the terms, conditions, or privileges of employment, the employer is considered to have committed an unlawful employment practice. This vaccine discrimination prohibition extends to labor organizations and employment agencies. As for labor organizations, these entities are considered to have committed an unlawful employment practice if the organization excludes or expels someone from membership or otherwise discriminates against a member because they have not received the vaccine. Moreover, an employment agency commits an unlawful employment practice if the agency classifies or refers for employment, fails or refuses to refer for employment, or otherwise discriminates against an individual due to their unvaccinated status. As of September 23, 2021, the last action on this bill was a referral to International Relations and Economic Development on March 9, 2021.

Texas lawmakers have excluded places of worship from emergency closures after the coronavirus pandemic subsides. The Texas House passed [H.B. 1239](#), which prohibits state agencies and officials from issuing order that “close or have the effect of closing places of worship in the state.” The governor signed the bill on June 15, 2021, and it went into immediate effect.

Texas lawmakers also recently passed [H.B. 541](#), which seeks to make it easier for public safety employees such as firefighters, police officers, and correctional officers to qualify for benefits and compensation “by establishing a presumption that SARS-CoV-2 or COVID-19 was contracted in the scope of employment, subject to certain conditions.” This legislation is intended to designate COVID-19 as a “presumptive illness,” which will allow compensation benefits and coverage for public safety employees.

Additionally, Texas legislators are considering [H.B. 3659](#), however, which would allow health care facilities and workers, first responders, businesses, and educational institutions to avoid certain lawsuits after establishing that the pandemic was a “producing cause” of the plaintiff’s alleged injury. This immunity does not apply in instances where the lawsuit is based on the defendants’ actual malice or reckless and intentional conduct. If passed, this bill would apply retroactivity and possibly apply to lawsuits filed since the governor declared the pandemic a state

disaster on March 13, 2020. This bill will be considered in the State’s upcoming legislative session. The governor is supporting Texas lawmakers in passing legislation relating to liability immunity explaining that business owners “have gone above and beyond throughout the pandemic to open and to operate safely” and would like the State lawmakers to quickly pass legislation that protect these businesses. The bill has been [left pending](#) in committee since April 14, 2021.

The legislature passed [Senate Bill 6](#), which protects health care professionals from lawsuits if they acted in good faith during the COVID-19 pandemic. The bill provides that physicians, health care providers, and first responders are not liable for any injury or death resulting from care, treatment, or failure to provide care or treatment that is related to a pandemic disease. This bill does not provide such liability for instances of recklessness or intentional, willful, or wanton conduct. Examples of what actions are included under this immunity are listed in the [bill](#). The bill also protects businesses from liability for causing someone to be exposed to COVID-19. Such immunity does not extend to individuals or businesses who knowingly failed to warn or correct a condition that they knew was likely to cause exposure and to those who knowingly failed to implement government-provided standards and protocols. The governor signed the bill on June 14, 2021.

[The AT&T Stadium](#), home to the Dallas Cowboys and the San Antonio Spurs, are currently not requiring vaccination, proof of negative COVID-19 test, or face coverings in any part of the venue. The stadium has transitioned to digital ticketing, and all cashless transactions.

[The American Airlines Center](#), the home of the Dallas Mavericks and the Dallas Stars, as of February 26, 2022 is no longer requiring face masks but they are highly encouraged. The stadium is requiring either proof of vaccination or negative COVID-19 test for all Mavericks games if seated within 15 feet of court. [The Toyota Center](#), home of the Rockets and FC Dallas, guests are not required but strongly recommended to wear masks. All ticketed guests will be required to provide proof of full vaccination or a negative COVID-19 test within 48 hours of the event. No home tests will be accepted. The [NRG Stadium](#), home to the Houston Texans, however, are not requiring any vaccination, negative COVID-19 test, or face coverings.

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*Information for Texas was updated on April 20, 2022*

## UTAH

### Operative Plans and Orders:

[Phased Guidelines, Version 4.5](#) (May 27, 2020)  
[Utah Leads Together IV](#) (June 17, 2020)  
[Utah Executive Documents](#)

### Relevant Websites:

[UT Coronavirus website](#)

**After meeting the threshold criteria outlined in House Bill 294, all COVID-19 public health orders (except for K-12 schools) were rescinded on May 4, 2021. The state-wide mask mandate was rescinded on April 10, 2021.**

Governor Gary Herbert issued [Executive Order No. 2020-1](#) on March 6, 2020, declaring a state of emergency due to the spread of the COVID-19 virus. On March 18, 2020, Governor Herbert issued [Executive Order No. 2020-5](#) closing all dine-in food service from restaurants, bars, and clubs. The March 18, 2020 Order also prohibited gatherings of more than ten people. Utah issued its first reopening guidelines on March 24, 2020, which was updated multiple times culminating with [Utah Leads Together IV](#). This program included tiered color-coded risk categories with corresponding levels of social restrictions placed on business and social activities throughout Utah.

The Utah legislature passed [House Bill 294](#) on March 24, 2021, which set forth the following threshold metrics that when met, would terminate all active COVID-19 public health orders.

- A 14-day case rate less than 191 per 100,000 people
- A 7-day average COVID-19 ICU utilization less than 15%
- More than 1,633,000 prime doses of COVID-19 vaccine allocated to the state

Each of those metrics were met on May 4, 2021, and all existing COVID-19 executive and public health orders were rescinded. HB294 does allow the Utah Department of Health to continue public health orders pertaining to K-12 public school. Accordingly, the UDOH issued updated [Public Health Order 2021-11](#), which requires masks to be worn in school and participants in sports and other extracurricular activities must undergo routine COVID-19 testing. Upon returning to Utah institutions of higher education for the 2021-22 academic year, multiple institutions, including the University of Utah, Utah State University, Weber State University, and Westminster College, are requiring students and staff to be fully vaccinated prior to the returning.

As of March 24, 2021, all Utah residents ages 16 and older became eligible to receive COVID-19 vaccines. As of May 12, 2021, all residents ages 12 and older became eligible to receive the Pfizer vaccine. As of March 14, 2022, [2,033,105](#) Utahans have been fully vaccinated, marking 63% of Utah's total population, [2,286,420](#) Utahans have received at least one dose of the vaccine, marking 71% of the state's population, and [874,436](#) Utahans have received a booster dose, marking 27% of the population.

Effective May 5, 2021, government entities were prohibited from requiring entity employees to receive a vaccine with the exception of employees who work in a public health or medical setting and are required to obtain a vaccine in order to perform their duties and fulfill their responsibilities. Despite the legislation, the University of Utah Health Board voted to mandate that all employees be vaccinated. The announcement came a week after the FDA gave full approval to the Pfizer vaccine. The mandate went into effect in September. Additionally, one of Utah's largest private employers, Intermountain Healthcare, [announced on October 27, 2021](#), that all of its caregivers must be fully vaccinated except for those with medical or religious exemptions.

The University of Utah, Utah State University, Weber State and Westminster College announced that all students attending classes in-person must get vaccinated.

In October 2021, Utah joined Georgia, Alabama, Idaho, Kansas, South Carolina, and West Virginia in filing a [lawsuit](#) against the federal government. The lawsuit is challenging President



Biden's administration's vaccine mandate regarding forcing federal contractors to be vaccinated by December 2021.

Additionally, Utah is joining Texas, Louisiana, Mississippi, and South Carolina in filing a lawsuit against the U.S. Department of Labor (DOL) and Occupational Safety and Health Administration (OSHA) in a challenge to block the DOL and OSHA from instituting President Biden's vaccine requirement for employers with over one-hundred employees.

On May 4, 2020, Governor Herbert signed [Senate Bill 3007](#) into law, which enacted Utah Code §78B-4-517 effective as of August 18, 2020. The law provides first responders with a rebuttable presumption that if they contract COVID-19, that it was contracted by accident during the course of performing their employment duties. Note that this law applies only to first responders, including health care providers and licensed physicians.

On June 25, 2020, Governor Herbert signed [Senate Bill 5003](#) into law. The law provides immunity to individuals and businesses from civil liability for damages or injuries resulting from exposure to COVID-19 on the premises owned or operated by that person or business. The bill does not extend liability protections for willful misconduct or reckless or intentional infliction of harm by individuals or businesses relating to COVID-19 claims.

On March 16, 2021, [House Bill 308](#) was signed into law. Effective May 5, 2021, House Bill 308 prohibits government entities from requiring entity employees to receive a COVID-19 vaccine with the exception of employees who work in a public health or medical setting and are required to obtain a vaccine in order to perform their duties and fulfill their responsibilities. House Bill 308 defines a governmental entity based on [Section 63D-2-102](#) of Utah Code in which a government entity is defined as an executive agency, the legislative branch, the judicial branch, the State Board of Education, the Utah Board of Higher Education, institutions of higher education, and political subdivisions of the state, including school districts.

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*Information for Utah was updated on March 24, 2022*

## VERMONT

**Operative Plans and Orders:**      [Addendum 16 to Executive Order 01-20](#) (May 14, 2021)  
[Vermont Forward Plan](#)  
[Executive Orders](#)

**Relevant Websites:**      [VT COVID-19 Website](#)  
[COVID-19 Recovery Resource Center for Businesses](#)

Vermont's state of emergency [expired](#) on June 15, 2021. All restrictions have been lifted, except that international travelers must still be tested or quarantine. Universal guidance for all sectors is still encouraged. Currently the State is reporting 80.9% of the eligible population are fully vaccinated, and 93.2% have received the first dose. Vermont does not have a statewide mask mandate, but some municipalities are requiring masks to be worn



indoors. [Act 1 \(S.1\)](#), signed into law on November 23, 2021, allows municipalities to create mask mandates lasting a maximum of 30 days.

With the end of the state of emergency, the [state level guidance](#) has become “best practices” and recommendations for schools. Some universities within Vermont are requiring students to be fully vaccinated for the 2021-2022 academic year. A full listing can be found [here](#).

Vermont schools are following a [program of surveillance testing](#) for all students and staff, although participation on an individual level is not currently required. The Vermont Agency of Education created a “[test to stay](#)” program, where unvaccinated students who have been in close contact with a confirmed COVID-19 case will take a rapid antigen test before school every day for a week, but still participate in-person as long as the rapid test reports a negative result.

On March 29, 2022 Governor Phil Schott and Secretary of Education Dan French [implored](#) schools to ignore CDC guidance and continue to follow the State’s guidance not requiring masks in schools.

The Department of Financial Regulation announced an [emergency regulation](#) on December 7, 2021, that requires health insurers to cover the costs of COVID-19 at-home rapid tests. The regulation requires that insurers cover the costs of retail purchases and disallows cost-sharing.

[Vermont courts are largely proceeding in person](#), but masks will be required at all times, and court rooms will be monitored by CO2 monitors (where available), as well as other precautions at the judge’s discretion. The current status of the Vermont Judiciary can be found [here](#).

In April 2020, the Governor signed an executive order to shield healthcare professionals, facilities, and volunteers from civil liability for any injury, death, or loss resulting from COVID-19 related emergency responses or services. The order did not extend liability protection for acts of gross negligence or willful misconduct.

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*Information for Vermont was updated on April 19, 2022*

## VIRGINIA

### Operative Plans and Orders:

[VA - Governor's Executive Orders](#)  
[Guidelines for All Business Sectors](#)

### Relevant Websites:

[VA COVID-19 Website](#)

With the change in administration, Governor Glenn Youngkin has issued [Executive Order 11](#) which institutes a new [COVID Action Plan](#). Within the Action Plan the Governor discourages mass testing and testing for asymptomatic individuals. The Plan also institutes a “Vaccine Marshal” to aid in getting those unvaccinated vaccinated. Currently the State is

**reporting that 72.9% of the population are fully vaccinated, and 85.4% have received the first dose.**

[Executive Order 2](#) removes the ability for School districts to implement its own mask and vaccine policies. Seven School Boards, including Fairfax which is the State's largest, [sued](#) Governor Youngkin over the order, citing the School Boards are awarded constitutionally protected rights to operate as it sees fit. The [ACLU](#) joined the legal efforts to challenge the Executive Order. A [federal judge narrowly ruled](#) for the plaintiffs saying the 12 families of immunocompromised children, party to the suit, may ask the administrator to reinstate a mask mandate. The reinstatement, however, remains a decision of the school board.

Some universities within Virginia are requiring students to be fully vaccinated for the 2021-2022 academic year, including the University of Virginia. A full listing can be found [here](#).

Attorney General Jason Miyares has [said](#) that state universities may not impose COVID-19 vaccine requirements without the legislature including it among required immunizations.

Governor Youngkin removed the ability to inquire into the vaccination status of State Executive Branch employees with [Executive Directive 2](#).

On September 16, 2021, the Virginia Department of Health announced that Virginia would be [adopting the SMART Health format](#) to quickly verify vaccination status. This allows individuals to scan a QR code or use an app to verify their vaccination status.

Virginia was the first state in the nation to require mandatory workplace safety rules to prevent the transmission of COVID-19. Virginia's Safety and Health Codes Board voted to adopt [Emergency Temporary Standards](#), which require businesses to incorporate various safety precautions, such as requirements to notify employees within 24 hours if a co-worker tests positive for COVID-19. Additionally, employees who test positive or are suspected of testing positive for COVID-19 cannot return to work for 10 days or until they receive two consecutive tests with negative outcomes. The regulation also includes various required precautions such as practicing social distancing, wearing face coverings, requiring access to hand sanitizer and hand washing stations, and frequent cleaning of high-contact surfaces. The regulation also establishes protection for workers who report violations, including on social media posts. Violations of the requirements could result in a fine reaching up to \$130,000.

On April 28, 2020, former Governor Northam issued [Executive Order 60](#), which declared that the COVID-19 virus was a "communicable disease a public health threat" and a "disaster" as defined by Virginia law. The order essentially provided existing immunity during a state of emergency under the Code of Virginia to health care providers in rendering healthcare services in response to the pandemic in the absence of gross negligence or willful misconduct.

In October, 2020, then Governor Northam signed [SB5082](#) into law, providing immunity from civil lawsuits related to COVID-19 deaths, injuries, and exposure to hospices, assisted living, and related providers, except in cases of gross negligence or willful misconduct.

In February 2021, [HB1985](#) passed the Virginia House and is currently being reviewed by the Virginia Senate Committee on Labor and Commerce. The Bill considers death or disability experienced by healthcare workers who have had contact with a positive COVID-19 patient an occupational hazard, allowing the collection of worker's compensation insurance benefits. However, if an employer offers an employee the vaccine and the employee refuses, that employee is excluded from collecting these benefits under this Bill.

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*Information for Virginia was updated on April 19, 2022*

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## WASHINGTON

**Operative Plans and Orders:**      [Healthy Washington – Roadmap to Recovery](#) (April 12, 2021)  
   [Health Order 20-03](#) (July 24, 2020)

**Relevant Websites:**                      [WA COVID-19 Website](#)  
   [WA Department of Health COVID-19 Website](#)  
   [Governor Proclamations](#)

**The State fully reopened on June 30, 2021, and ended its use of its previous recovery plan. Pursuant to [Secretary of Health Order 20-03.4](#), Washington mandates face coverings for all individuals in indoor situations where any person from outside their household is present, or is generally accessible and masks in crowded outdoor contexts. All Washington residents ages 12 and older are eligible to receive a COVID-19 vaccine.**

The State fully reopened on June 30, 2021. The governor lifted capacity limitations on businesses and social distancing requirements. Large indoor events that have more than 10,000 people will remain limited to 75% capacity. This restriction can be avoided if the venue verifies all attendees' vaccination statuses before the event and everyone is vaccinated. On August 20, 2021, Governor Inslee formally adopted the face-covering requirement from Secretary of Health Order 20-03.4 via [Proclamation 20-25.15](#). On September 12, 2021, Governor Inslee further amended this proclamation (now [21-25.17](#)) to require face coverings for outdoor events with 500 or more individuals. On November 15, 2021, Governor Inslee amended the proclamation via [21-16.1](#) to add Department of Health issued QR codes as an acceptable form of vaccination verification.

On August 19, 2021 the Washington Secretary of Health [amended the standing Secretary of Health Order 20-03](#) to include a general face-covering mandate. The order requires a face covering be worn anywhere a member outside of your household is present, or anywhere that is generally accessible to people outside your household. The order exempts outdoor spaces, although with a strong recommendation to wear face-coverings in crowded outdoor contexts.

The governor also [amended Proclamation 20-05](#) to require state agency employees, health care workers, and any worker engaged in an "Educational Setting" to be fully vaccinated by October 18, 2021. [Proclamation 21-14.1](#) extends the vaccine mandate to contractors, but not suppliers, to state agencies. On September 27, 2021, Governor Inslee [further amended Proclamation 21-14.1](#)

to include on-site contractors for the Offices of the Attorney General, and several other agencies which already require regular employees be vaccinated. On November 24, 2021, Governor Inslee further amended the vaccine mandate, now [Proclamation 21-14.3](#), creating a narrow exception allowing the use of contractors with unverified vaccination status in situations of emergency at 24 hour facilities.

[Proclamation 21-16](#) will go into effect on November 15, 2021, and prevent anyone from being admitted into a ticketed assembly of more than 10,000 people without verifying vaccination status or negative COVID-19 test. Moreover, on October 19, 2021, Governor Inslee issued [Proclamation 20-80.1](#) which pauses the transfer of all incarcerated individuals from jail to the Department of Corrections between October 25, 2021 and November 5, 2021.

After having to cancel almost 170 sailings, the [Washington State Ferries is temporarily restricting its scheduled services](#) as a result of severe staffing issues. As of October 14, 2021, nearly 200 employees have yet to submit the newly required proof of vaccination.

Governor Inslee has [expanded the vaccine deadline extension](#) afforded to union workers to non-represented workers and certain qualifying positions such as management personnel. This deal creates a 45-day grace period if a worker applies for an exemption and is denied, or start the vaccination process late and will not meet the deadline of October 18, 2021. The grace period will require employees to use unpaid leave time.

A group of state workers, including state troopers, and correctional officers [filed suit](#) in Walla Walla Superior Court seeking to render the vaccine mandate for state employees invalid. The complaint alleges that the order exceeds the power granted to the executive branch, infringing on that of the legislature, and that the requirement deprives those it effects of liberty without due process. On October 25, 2021, the court [denied the plaintiffs' request for a temporary restraining order](#) saying that federal courts “regularly reject cases similar to this one. . . .”

As of October 18, 2021, the Washington House of Representatives facilities are [only open to fully vaccinated individuals](#).

The governor issued [Proclamation 20-25.13](#) on May 21, 2021. This order extends the state of emergency in the State. The proclamation also adopts the CDC’s mask guidance. Businesses can employ an honor system and assume that any customer without a mask has been fully vaccinated, and business owners and local leaders may continue to maintain mask mandates. Additionally, the order states that businesses must receive from employees either proof of vaccination or a self-attestation of being fully vaccinated before they can work without masks.

The most recent amendment to Proclamation 20-25 ([20-25.16](#)) prohibits any state or local government from enacting a ban on mask mandates, and requires all public and private entities to comply with existing face covering requirements.

The Seattle Mariners expanded their stadium capacity to 100% on July 2, 2021.

The State has imposed a statewide face covering mandate as per [Health Order 20-03](#). Under this order, every person in the State is required to wear a face covering that covers their nose and mouth when they are outside of their home, subject to certain exceptions. There are exceptions for certain individuals such as children younger than five years old and persons with a medical condition which prevents them from wearing a face covering. The State is following CDC guidelines, including leaving a mandate in place for places such as hospitals and public transportation. Businesses may still choose to mandate masks and may ask about customers' vaccination status. As such, fully vaccinated people should have their vaccine card or a picture of it to show businesses.

Based on new CDC mask guidance, the State now recommends that all individuals, even those who are fully vaccinated, wear masks when in public indoor areas in counties with surging cases. Local health officials across the State have made similar recommendations.

The State has identified cases of the Delta variant. The State estimates that the Delta variant makes up about 76% of cases in the State. Currently, approximately 71.4% of the eligible population is fully vaccinated.

Governor Inslee issued [Proclamation 21-15](#) on September 3, 2021, which expedites the process for transfer and release of nursing home patients. On November 1, 2021, this [proclamation was again extended](#). The Proclamation will now expire on December 1, 2021.

The State is requiring schools to open for students who want to attend fully in-person. Individuals in schools will be required to wear masks while indoors. Other mitigation measures, such as cleaning, handwashing, and social distancing, should be followed. For more information on the State's reopening plan, see [here](#).

Currently, the COVID-19 vaccine is available to everyone 12 years old and over. The State is administering the Pfizer COVID-19 vaccine to anyone 12 years and older. In accordance with FDA approval and guidance, the Moderna and Johnson & Johnson vaccines are only available to individuals ages 18 and older. The State is also recommending that immunocompromised individuals receive a third dose of the Pfizer or Moderna vaccine.

As of December 4, 2021, [three cases of the Omicron variant](#) have been confirmed in Washington State.

The Washington Department of Health unveiled a [digital vaccination status verification system](#) on November 24, 2021. The system, called WA Verify, keeps a digital record of each individual's vaccination status which can be displayed as a document or with a QR code that can be scanned by SMART Health Card readers.

On September 24, 2021, following the Western States Scientific Safety Review's recommendation, Governor Inslee announced that the third Pfizer dose would be available to eligible individuals. Washington began administering booster shots for all three vaccine manufacturers on October 22, 2021. The "mix-and-match" method was also approved. Moreover, in anticipation of the impending approval of the Pfizer vaccine's use on children ages five to 11,

Washington has reserved approximately 316,000 doses of the adolescent dose of the vaccine. Governor Inslee authorized vaccine distributors to begin administering the Pfizer COVID-19 vaccine to [children aged 5 to 11](#) on November 3, 2021, following the Western States Scientific Safety Advisory Group's approval. All fully vaccinated adults are [eligible for booster doses](#) of a COVID-19 vaccine as of November 20, 2021.

Lawmakers have proposed [S.B. 5144](#), which would prohibit state agencies and political subdivisions of the state from requiring a COVID-19 vaccination as a condition of employment. This proposed bill would also prohibit employers, schools, universities, transportation providers, or any place of public resort accommodation, assemblage, or amusement from similarly requiring a COVID-19 vaccination.

However, the governor's administration issued new workplace guidelines on May 21, 2021. The restrictions require employers to check employees' vaccination statuses before abandoning mask and social distancing requirements. Additionally, PeaceHealth announced that it will mandate the vaccine for many of its employees starting on August 31, 2021.

The governor announced that all State employees and healthcare workers, including long-term care employees, will be required to be vaccinated before October 18, 2021. Contractors and volunteers are included in this requirement. The State has expanded the vaccine mandate to teachers and school employees as well. The City of Seattle and King County also will mandate that their employees get vaccinated.

Seattle University and Washington State University announced that all students would have to receive the vaccine prior to returning to school this fall. The University of Washington and Eastern Washington University will also require students and faculty members to get the vaccine to return in the fall. University of Washington Medicine [has announced](#) that it will begin deprioritizing and removing patients who have refused the COVID-19 vaccine from the organ transplant list.

The governor issued a [Proclamation](#) related to evictions and related housing practices. The Proclamation provides that landlords, property owners, and property managers are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling or parcel of land occupied as a dwelling, including but not limited to an eviction notice, notice to pay or vacate, notice of unlawful detainer, notice of termination of rental, or notice to comply or vacate. This prohibition applies to tenancies or other housing arrangements that have expired or that will expire during the effective period of this Proclamation. This prohibition does not apply to emergency shelters where length of stay is conditioned upon a resident's participation in, and compliance with, a supportive services program. This eviction moratorium is effective until June 30, 2021, but the governor announced a "bridge" plan that modifies the eviction moratorium. Renters were expected to pay rent in full on August 1, 2021. The moratorium will last until September 30, 2021. Some cities, such as Seattle, have also announced extensions to their eviction bans.

Mayor Durkan of Seattle has extended the city's eviction moratorium until January 15, 2022 through [Executive Order 2021-07](#).



The Washington Insurance commissioner has extended two Emergency Orders, [Order 20-06](#), and Order [20-01](#). Order 20-06 insulates COVID-19 patients from certain lab costs, and Order 20-01 requires insurance companies to waive copays and deductibles for consumers who need COVID-19 tests. On October 1, 2021, the Commissioner [extended these two orders](#) to last through October 31, 2021.

Governor Inslee issued a [Proclamation](#) that prevented utility providers from severing access to water, electricity, and natural gas, beginning on July 2, 2021. This Proclamation is set to end on September 30, 2021, and the governor [does not intend to extend the protections](#).

On January 29, 2021, the governor issued a [Proclamation](#) to ensure that persons receiving extended foster care services do not “age out” at 21 years old during the COVID-19 pandemic. This proclamation aligns state law with federal law by removing the age limits on receiving extended foster care services, and by eliminating certain eligibility requirements as required under the federal Consolidated Appropriations Act, 2021.

There have been no orders issued or legislation enacted relating to liability immunity.

Governor Inslee signed a group of bills, including [S.B. 5115](#) and [H.B. 1097](#), to increase worker safety protections, increase support for frontline workers, and give overtime protections to farmworkers on May 11, 2021. The laws initiate notification requirements to workers exposed to COVID-19 and their unions, encourage restaurants to purchase safety equipment for their establishments, and protect employees who come forward to expose safety violations. S.B. 5115 creates a rebuttable presumption for frontline workers that certain infectious or contagious diseases are work-related and gives workers’ compensation benefits. The burden goes to the employer to prove the illness is not work-related. The laws also address conditions of healthcare workers that allow them to use unemployment insurance if they must leave work for quarantine during a public health emergency and to access workers’ compensation if exposed to an infectious disease subject to a public health emergency. The laws went into effect immediately.

The governor issued [Proclamation 21-08](#) on May 21, 2021 to protect workers for various COVID-19-related absences. The order prohibits Washington employers from taking adverse employment action against employees due to their getting a COVID-19 vaccination, taking reasonable time off to get the vaccine or recover from the symptoms, or taking reasonable time off to quarantine. For more information on exactly what actions employers cannot take, see the [proclamation](#).

[Emergency Proclamation 21-09.01](#) extended the eviction moratorium bridge through October 31, 2021.

The State announced that as of July 4, 2021, the job-search requirement for residents seeking unemployment benefits resumed.

Lastly, a federal judge recently [dismissed](#) hundreds of business interruption lawsuits by Washington businesses. The businesses sought insurance coverage for their lost revenues. The judge said that the businesses’ insurance policies, “all-risk” policies, only covered property damage and not economic loss.

As of October 21, 2021, the [Climate Pledge Arena](#), home of the Seattle Kraken and [Lumen Field](#), the home of the Seattle Seahawks, require proof of vaccination for all attendees over the age of 12. All guests and staff will also be required to wear appropriate face coverings at all times not eating, both indoors and outdoors. The stadiums have instituted a touchless box office, and all cashless transactions.

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*Information for Washington was updated on December 9, 2021*

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## WEST VIRGINIA

### Operative Plans and Orders:

[West Virginia Safety Recommendations](#)

### Relevant Websites:

[Department of Health and Human Resources COVID-19 Governor's COVID-19 Website](#)  
[COVID-10 Actions and Executive Orders](#)  
[Coronavirus Guide for West Virginians](#)

The [West Virginia Strong – The Comeback](#) reopening plan offers safety recommendations rather than requirements. Governor Jim Justice issued [Executive Order No. 20-21](#) which eliminates the Face Covering Order for all, vaccinated or not. Currently, 57.4% of the population is fully vaccinated, and 64.8% have received the first dose.

[Schools](#) are open in-person for the 2021-2022 school year with an option for remote learning for all students. Additionally, masking standards are left to the counties to implement.

The [University of West Virginia](#) lifted mask requirements for classrooms, labs, and campus transportation

Following the FDA's full approval of the Pfizer vaccine several [hospitals](#) in West Virginia, including WVU Medicine and Mon Health System, are requiring proof of vaccination for their workers.

On September 20, 2021, Governor Justice [announced the "Saving Our Care"](#) initiative to provide staffing support and financial assistance to hospital and long-term care providers in an effort to avoid having to restrict hospital activities. On October 7, 2021, Governor Justice stated that a methodology had been determined for the initiative.

On January 19, 2021, the West Virginia Insurance Commissioner issued [Bulletin No. 21-01](#). The Bulletin provides guidance to employers, workers' compensation insurers, and self-insured employers regarding COVID-19 workers' compensation claims. Employees covered by their employer's workers' compensation insurance have the right to file claims for benefits if the employee sustains an occupation injury, which includes COVID-19. The Commissioner highlighted that employers may not advise employees that they cannot file workers' compensation claims for COVID-19 for retaliate against their employees for filing COVID-19 claims.

On March 31, 2021, the Governor issued [Executive Order 11-21](#) stating that Work Force West Virginia shall not recover or attempt to recover unemployment benefits that were incorrectly but not fraudulently distributed to claimants.

Governor Justice signed [House Bill 335](#) into law during a special session on October 22, 2021. The bill, set to go into effect on January 18, 2022, codifies medical and religious exemptions for vaccine requirements for both public and private employment. The legislation also prohibits “discrimination for exercising an exemption.”

The Senate has passed [SB 277](#). The Bill is part of lawmaker’s attempt to provide immunity to healthcare workers and businesses who remained open during the coronavirus pandemic from COVID-19 related actions. Specifically, the Bill will provide blanket immunity for any claim filed against “any person essential business, business, entity, health care facility, health care provider, first responder, or volunteer for loss, damage, physical injury or death arising from COVID-19, COVID-19 care, or impacted care.”

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*Information for West Virginia was updated on April 19, 2022*

## WISCONSIN

### Operative Plans and Orders:

[Emergency Order #1](#)  
[Executive Order #94](#)  
[Executive Order #95](#)

### Relevant Websites:

[Department of Health Services COVID-19 Website](#)

**On March 31, 2021, the Wisconsin Supreme Court struck down Governor Evers’s Mask Mandate.**

### General Statewide Restrictions:

Wisconsin’s Governor, Tony Evers, declared a public health emergency on March 12, 2020. Less than two weeks later, the Wisconsin Department of Health Services issued a “Safer at Home Order” requiring everyone to stay at home or their place of residence except in limited circumstances. The Safer at Home Order was extended April 16, 2020 by Emergency Order No. 28 and remained in effect until the Wisconsin Supreme Court overturned the order on May 13, 2020. The Wisconsin Supreme Court ruled that Emergency Order 28 was a general order of general application within the meaning of Wis. Stat. § 227.01(13) and the rulemaking procedures of Wis. Stat. § 227.24 should have been followed during the promulgation of the order. Because the procedures were not followed, the order was unenforceable. Importantly, the ruling permitted Governor Evers’ administration to issue new stay-at-home orders with approval of the Legislature’s rulemaking committee.

Since Emergency Order No. 28 was overturned, Wisconsin’s Governor and the Department of Health Services are now focusing on the “Badger Bounce Back” plan. Badger Bounce Back is

based on the federal guidelines for Opening Up America Again and outlines Wisconsin's shift from "boxing in all Wisconsinites to boxing in COVID-19" by providing a plan to re-open and recommendations from its public health experts.

On November 10, 2020, the Governor issued Executive Order 94 advising Wisconsinites to stay home, urging precautions to be followed when leaving residences and encouraging businesses to take additional steps to protect workers, customers and the community. On November 20, 2020, Governor Evers issued Executive Order 95 declaring a public health emergency and requiring face coverings for people over the age of five. Face coverings are required to be worn when indoors or in an enclosed space other than in a private residence when other people are present in the same room or space. On March 31, 2021, the Wisconsin Supreme Court struck down the statewide mask mandate.

Effective on June 2, 2021, Public Health Madison & Dane County (PHMDC) lifted all public health orders, including mask requirements, and gathering and capacity limits

### **Travel Restrictions:**

There is no travel restriction order in place in the State, but the Wisconsin Department of Health Services has issued recommendations to limit travel both within Wisconsin and outside of the state as well as requesting that visitors to Wisconsin stay home as much as possible for 14 days after arriving within Wisconsin and self-monitor for COVID-19 related symptoms.

### **Vaccine:**

All individuals 18 and above in Wisconsin are eligible to get vaccinated with either the Pfizer, Moderna or Johnson and Johnson Vaccine. Residents between the age of 5-18 are allowed to receive the Pfizer vaccine.

As of March 3 2022, 65% of Wisconsin residents are fully vaccinated.

### **COVID-19 Legislation:**

On January 12, 2021 The Republican-controlled state Senate passed a COVID-19 bill that has the backing of Democratic Gov. Tony Evers — but not top GOP leaders in the state Assembly. The Senate approved an amendment to the bill Tuesday that passed the chamber on a 29-2 vote before concurring in the overall bill on a voice vote. Much of the legislation includes proposals negotiated with Evers, including a provision requiring health insurers to cover COVID-19 prescriptions, testing and vaccines. But other, more controversial elements of a bill that passed the Assembly were removed from the plan. They included potential punishments for schools that don't return to in-person instruction, restrictions on local public health officers and a ban on mandatory COVID-19 vaccines. The measure that passed the Senate still included new restrictions on COVID-19 lawsuits, a priority of Republicans and Wisconsin's business lobby. That measure was scaled back enough to win Evers' support.

On April 24, 2021 Governor Tony Evers vetoed two GOP-authored bills that would have prohibited public health officials from requiring individuals to get a COVID-19 vaccine and banned local public health orders to close or limit gatherings at places of worship. In veto messages for the two bills, Evers said the measures take away existing tools available to state and local public health officials during the ongoing pandemic.

On April 15, 2020, Governor Evers signed Assembly Bill 1038 into law. The law creates a rebuttable presumption that a COVID-19 related injury sustained by a “first responder” was caused by the individual’s employment when accompanied by a specific diagnosis by a physician or by a positive COVID-19 test. First responders are defined as employees or volunteers engaged in “fire fighting, law enforcement, or medical treatment of COVID-19, and who has regular, direct contact with, or is regularly in close proximity to, patients or other members of the public requiring emergency services, the scope of the individual’s work for the employer.” An employer can defend such a claim “by specific evidence that the injury was caused by exposure to COVID-19 outside of the first responder’s work for the employer.” The law provides that the presumption terminates 30 days after the end of the public health emergency order.

The law also provides immunity to healthcare professionals and providers from civil liability for the death of or injury to any individual caused by any act or omission committed during the state of emergency cleared as a result of the pandemic (and up to 60 days following the end of the state of emergency) which were provided in good faith pursuant to any direction, guidance, or recommendation issued by a federal, state or local official in response to the pandemic or any guidance published by the department of health services or federal government which were relied upon in good faith. The immunity does not extend to reckless or wanton conduct or intentional misconduct.

In addition, the law extends liability protection to any person engaged in the manufacture, distribution, or sale of emergency medical supplies donated to a charitable organization or governmental unit in response to the pandemic or sell them at cost. Charitable organizations distributing emergency medical supplies free of charge are also provided with immunity.

Republican lawmakers on February 17, 2021 dramatically reshaped Governor Evers’ plan to upgrade the state’s antiquated unemployment claim technology, eliminating guaranteed funding for the project and absolving businesses and schools of liability for COVID-19 infections. Republicans also added civil liability exemptions for COVID-19 claims against businesses, government entities and schools — a provision sought by Wisconsin Manufacturers and Commerce, the state’s largest business group and a key Republican donor. The Republicans included the exemptions in a sweeping COVID-19 relief bill they sent to Evers earlier this month. Evers vetoed the package largely because it would have prohibited employers from requiring vaccinations and limited health officials’ ability to restrict gatherings. The Republicans also inserted wording that would extend a waiver of a one-week waiting period for unemployment benefits through mid-March. A COVID-19 relief bill the Legislature passed in April 2020 waived the waiting period through February 6, 2021. The bill has not been voted on by the State Senate.

On January 20, 2021, the Wisconsin Institute for Law & Liberty filed another lawsuit again challenging Public Health Madison & Dane’s County’s authority to issue restrictions aimed at

preventing the spread of coronavirus. While the lawsuit focuses on the sports-related restrictions for plaintiffs' children, the overarching goal of reducing the Governor's power is the same. On June 11, 2021, in a 4-3 decision, the Wisconsin Supreme Court ruled that COVID-19 orders issued by Madison and Dane County Public Health Officer Janel Heinrich, which closed schools to in-person instruction, were "unlawful" and "unenforceable." Writing the majority opinion, Justice Rebecca Bradley ruled that "(1) local health officers do not have the statutory power to close schools under Wis. Stat. § 252.03; and (2) Heinrich's Order infringes the Petitioners' fundamental right to the free exercise of religion guaranteed under Article I, Section 18 of the Wisconsin Constitution." Justices Zeigler, Roggensack, and Hagedorn agreed with the majority opinion, while Justices Dallet, Ann Walsh Bradley, and Karofsky dissented.

On May 20, 2021, the Wisconsin Supreme Court limited the tort claims an employee may bring based on alleged conduct that occurred between injuries covered under the state's workers' compensation law. The opinion in *Graef v. Continental Indemnity Company* may support employer arguments to limit employment-related litigation claims brought by employees because worker's compensation provides an exclusive remedy to employees injured in the course of employment. Francis Graef was an employee at a livestock company who was gored by a bull in November 2012. As a result of this injury, Graef developed depression. His employer's insurer, Continental Indemnity Company did not contest that treating his physical injury was covered under Worker's compensation, instead, they rejected a relief request when Graef requested that a prescription for antidepressants be covered under worker's compensation in June 2015. From the period of his injury until June 2015, Continental was covering the cost of Graef's antidepressants. Graef was unable to afford a prescription for antidepressants and attempted to commit suicide in August 2015. As a result of this attempt on his life, he sustained a gunshot injury. Graef subsequently filed a tort claim in circuit court that alleged Continental had negligently refused to authorize payment for the antidepressant medication refill.

In response to the employee's tort action, the insurance carrier moved for summary judgment at the outset of the case. The insurance company countered that Graef should have filed a worker's compensation claim, which would likely result in lower damage payouts than a lawsuit. A circuit court rejected that argument but the 3rd District Court of Appeals sided with the company last year. The Supreme Court ruled 6-1 that under state law Graef's allegations amount to a worker's compensation claim. Graef clearly sustained his initial injury on the job through no fault of his own and his subsequent injuries — his self-inflicted gunshot wound and depression caused by discontinuation of his medicine — grew out of the bull attack, the court found. The situation fits the conditions for worker's compensation liability, not a negligence lawsuit. The Graef case reminds Wisconsin employers to consider raising, as a defense, that an employee's tort claims are foreclosed by the exclusive remedy of the Worker's Compensation Act and must be brought in the worker's compensation forum when the claims are based on conduct arguably flowing from an injury compensable by the worker's compensation system. This decision may be particularly significant to employers facing tort claims that an employee contracted COVID-19 at work. Although there is a greater chance that such worker's compensation claims will succeed, the payout will be significantly lower than tort claims would be.

### **Milwaukee:**



Limits on gathering sizes and occupancy were lifted for events and businesses on June 15, 2021, and events no longer need to submit a COVID-19 safety plan to the health department.

*Information for Wisconsin was updated on March 3, 2022*

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## WYOMING

### Operative Plans and Orders:

[Executive Order 2020-2](#) (March 13, 2020)

[Executive Order 2020-21](#) (December 2, 2020)

### Relevant Websites:

[WY COVID-19 Website](#)

[WY Department of Health COVID-19 Website](#)

**Wyoming recently removed all restrictions on businesses including restaurants, bars, gymnasiums and theaters, and withdrew its public face covering mandate. Certain restrictions on schools and child-care services remain in place.**

On March 13, 2020, Governor Mark Gordon signed [Executive Order 2020-2](#), declaring a State of Emergency in Wyoming. He then ordered all non-essential business to close and imposed various regulations including social distancing and suggested face coverings while in public.

Wyoming began an aggressive re-opening plan on May 15, 2020, which was subsequently amended multiple times, most recently on May 13, 2021. The current plan only includes restrictions for [Schools and Child Care](#) and [Gatherings](#). All other restrictions and limitations were rescinded.

At schools, groups of students and teachers are limited to 50 persons in each room, but up to 250 may be allowed in cafeterias and auditoriums. Students, teachers, school staff and visitors must wear face coverings indoors where 6 feet of separation cannot be maintained. Indoor events larger than 500 people are limited to 50% capacity of the venue, social distancing is encouraged, all persons including staff, participants and spectators must wear a face covering, except for when engaged in athletic activities or performances.

On July 1, 2020, the Department of Education released guidance setting the parameters for schools to resume operations. The parameters include face covering requirements, changes in transportation and limited cafeteria dining, among others. The Businesses, Schools, Child Care regulations contain additional guidelines for K-12 schools, colleges and universities to re-open.

Specifically, on-site instruction is permitted if all students and teachers wear face coverings, six feet of separation is observed where possible, classrooms are limited to 50 total people, but up to 250 students/faculty may gather in cafeterias or auditoriums so long as 6 feet of separation is possible. On August 5, 2021, Governor Gordon announced that he will not require Wyoming school districts to implement [mask mandates](#), leaving the decision to school districts and their respective local school boards.

As of March 31, 2021, all residents ages 16 and older became eligible to receive the COVID-19 vaccine. As of May 13, 2021, residents ages 12 and older became eligible to receive the Pfizer vaccine. As of March 14, 2022, [294,070](#) residents of Wyoming are fully vaccinated, marking 51% of Wyoming's entire population, [336,618](#) residents have received at least one dose of the vaccine, marking 58% of the population, and [123,327](#) residents have received a booster dose, marking 21% of the population.

On October 29, 2021, Montana was joined by ten other states in filing a [lawsuit](#) against President Biden's administration for issuing the COVID-19 vaccine mandate for federal employees and federal contractors. The states, including Arkansas, Alaska, Missouri, Iowa, Montana, Nebraska, New Hampshire, North Dakota, and South Dakota, are seeking to block the COVID-19 vaccine mandate for federal contractors, arguing that the mandate is unconstitutional and violates federal procurement law. Additionally, Texas and Florida each filed separate suits regarding the same issue.

Governor Gordon signed [SF1002](#) into law on May 20, 2020 expanding emergency liability immunity to healthcare providers and "business entities" that act in good faith following state or local health directives or otherwise act in good faith in responding to the virus pandemic. In addition, employees infected with COVID-19 from January 1, 2020 through December 30, 2020 shall be presumed to have contracted the virus at work for the purposes of worker's compensation claims.

SF1002 also states that any employee infected with COVID-19 from January 1, 2020 through December 30, 2020 shall be presumed to have contracted the virus at work for the purposes of worker's compensation claims.

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*Information for Wyoming was updated on March 24, 2022*

## WASHINGTON, D.C.

### Operative Plans and Orders:

[Mayor's Order 2020-067](#)  
[ReOpen DC Recommendations](#)  
[Metro COVID-19 Recovery Plan](#)

### Relevant Websites:

[DC COVID-19 Website](#)  
[COVID-19 Metro Service](#)  
[Current Travel Status and Restrictions](#)

Washington D.C. [ended](#) one Public Health Emergency and masking requirements were lifted on March 1, 2022. Guidance will be posted and kept up-to-date [here](#). Masks are still required for congregate facilities, healthcare facilities, and DC government facilities with direct interaction with the public. WMATA announced that masks are now optional for riders and employees. The current vaccine rate is 75% of residents fully vaccinated, and 99.3% receiving at least the first dose.

Proof of vaccination [is no longer required](#) for indoor venues.

Mayor Bowser released a statement calling on the Council of the District of Columbia to [reinstate the District Government's emergency procurement authority](#). Emergency procurement authority would allow District agencies to quickly access funds to purchase at-home tests and other highly sought-after COVID-19 mitigation tools. The Council extended the authority to declare a public emergency, but allowed the government's emergency procurement authority to end on January 7, 2022.

Washington D.C. schools are [operating](#) with a "Test and Stay" Policy. Schools are permitted to set their own requirements regarding masks.

As students return from spring break, schools are requiring negative tests.

A number of universities located within the Washington, D.C. area are requiring students to be fully vaccinated prior for the 2021-2022 academic year, including the University of the District of Columbia. A full listing can be found [here](#).

On October 14, 2021, Mayor Bowser [announced an additional \\$22 million in funding](#) to support COVID-19 mitigation efforts within the D.C. public school system. D.C. Public Schools plan to double the size of their COVID response team and continue regular screening.

Mayor Bowser and DC Health [have launched an online portal that allows D.C. residents to report the results of at-home COVID-19 tests](#). Those reporting PCR tests will be required to upload lab results.

As of March 1, 2022, the [Capital One Arena](#), the home stadium for the Capitals, Wizards, and Mystics, no longer requires proof of vaccination or masks when attending games.

Nationals Park and the Washington Nationals (MLB) are in line with District and federal guidelines and are not requiring masks or proof of vaccination.

[All employees and interns of agencies](#) under the administrative control of the Mayor were required to be fully vaccinated or to obtain an exemption by September 19. Those who have obtained an exemption must wear a mask at all times and submit to weekly tests.

[All healthcare workers](#) are to have received at least the first dose of a Covid-19 vaccine by September 30, 2021. As of September 7, 2021, the language in the vaccine mandates for health professionals [has been updated](#) to clarify that failure to obtain a vaccine may result in disciplinary action.

Mayor Bowser signed an emergency [Act](#) into law on June 8, 2020, that provides immunity to health care workers, first responders, volunteers, contractors, and subcontractors who are rendering care or treatment to potential or diagnosed COVID-19 patients from liability in a civil action for damages resulting from their care or treatment. The liability shield does not extend to acts or omissions that constitute fraud, actual malice, recklessness, breach of contract, gross negligence,

or willful misconduct. The law further provides that healthcare workers, first responders, and volunteers who render aid or treatment to COVID-19 patients are also exempt from criminal prosecution for any act or failure to act in arranging medical treatment, so long as such action was made in good faith.

*Information for Washington, D.C. was updated on April 19, 2022*

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## **PUERTO RICO**

### **Operative Plans and Orders:**

[Puerto Rico's Executive Order-2021-037](#)  
[Puerto Rico's Executive Order-2021-054](#)  
[Puerto Rico's Executive Order-2021-073\(Spanish\)](#)  
[Puerto Rico's Executive Order-2021-081 \(Spanish\)](#)  
[Puerto Rico's Executive Order-2021-082 \(Spanish\)](#)  
[Puerto Rico's Executive Order-2021-084](#)  
[Puerto Rico's Executive Order-2021-085 \(Spanish\)](#)  
[Puerto Rico's Executive Order-2021-086 \(Spanish\)](#)  
[Puerto Rico's Executive Order-2021-087 \(Spanish\)](#)

### **Relevant Websites:**

[Puerto Rico Government Website](#)  
[Puerto Rico Department of Health COVID-19 Website](#)  
[Puerto Rico Department of Labor and Human Resources Website](#)  
[Puerto Rico Tourism Company's COVID-19 Website](#)  
[Circular Letter No. 2020-03](#)  
[Regulation No. 9210](#)  
[Puerto Rico Vaccination Plan](#)  
[Act No. 56-2020 \(Spanish\), Regulation No. 9210](#)  
[Administrative Order No. 2021-496 \(Spanish\)](#)  
[Administrative Order No. 2021-508A \(Spanish\)](#)  
[Administrative Order No. 2021-509 \(Spanish\)](#)  
[Administrative Order No. 2021-509B \(Spanish\)](#)  
[Administrative Order No. 2021-512 \(Spanish\)](#)  
[Administrative Order No. 2021-518-B \(Spanish\)](#)  
[Administrative Order No. 2021-523 \(Spanish\)](#)

**Puerto Rico has recently reintroduced COVID-19 restrictions given sudden increase in COVID-19 cases due to the Omicron variant; with most industries limited to 50% of permitted operating capacity. Also, all establishments that promote the accumulation of people (like theaters, stadiums, or convention centers) must require the following: (1) proof that the participant is fully vaccinated; or (2) a negative COVID-19 result from a test performed by a professional 48 hours prior to attending the activity. Alternatively, instead of the negative COVID-19 result, a person may show a positive COVID-19 result from the last three months with documentation showing their recovery. Moreover, Puerto Rico has reinstated a curfew between 12:00a.m. and 5:00a.m., with exceptions. The sale of alcohol is also prohibited during the curfew. Additionally, Puerto Rico has tightened the requirements for individuals entering the Island, requiring all travelers to complete a Travel**

**Declaration Form and a negative COVID-19 test result from a test performed 48 hours prior to their arrival, or a positive COVID-19 result from the past three months with documentation showing their recovery, regardless of their vaccination status. Unvaccinated passengers, however, will be required to also quarantine for seven days notwithstanding of their COVID-19 test result. All individuals, either vaccinated or not, are required to wear face coverings. Vaccination is mandatory to all public employees as well as those in the food and beverage sector, with certain exceptions. And, all employees in the health and education sector shall have the booster shot by January 15, 2022; otherwise, they will not be able to work in-person. Additionally, Puerto Rico extended the Emergency Period until June 30, 2022.**

The Territory began its reopening efforts on May 1, 2020 with Executive Order 2020-038. Employers were allowed to reopen under this order were required to prepare an infection control risk management plan (“Employer Plans”) based on OSHA’s Guidance on Preparing Workplaces for COVID-19. The Puerto Rico Department of Labor and Human Resources published Circular Letter 2020-03, which established the “essential elements” of an Employer’s Plan. An exemplar of the Employer plan can be found [here](#). In addition, every entity in the hospitality/tourism industry must comply with the parameters set by the Puerto Rico Tourism Company’s Health and Safety Destination-Wide Program.

On October 26, 2021, Puerto Rico adopted President Biden’s proclamation titled “Advancing the Safe Resumption of Global Travel During the COVID-19 Pandemic and amended Executive Order No. 2021-037. However, starting December 27, 2021, all domestic and international travelers entering the Island, regardless of their vaccination status must complete the Traveler’s Declaration Form which may be accessed digitally [here](#). International travelers older than two years of age, regardless of their vaccination status, must show a negative COVID-19 test performed one day prior to boarding the plane or a positive COVID-19 result from the past 90 days with documentation showing their recovery. Unvaccinated passengers, however, will also be required to quarantine for seven days irrespective of their COVID-19 test result. The Department of Health in coordination with the National Guard, Port Authority and the Department of Public Safety are responsible of taking any necessary measures to implement these requirements.

Pursuant to Executive Order No. 2021-037, any passenger to the island who knowingly provides misleading information may be subject to criminal prosecution for perjury which carries a fixed-term penalty of three (3) years imprisonment. Similarly, any passenger who makes, alters, falsifies, imitates, or possesses any document, certificate, file, record, or any other similar document requested under this Executive Order may be subject to criminal prosecution pursuant to Arts. 211 and 215 of the Puerto Rico Penal Code of 2012, as amended, which carries a fixed-term penalty of three years’ imprisonment.

Additionally, failure to comply with the provisions of the Executive Order by any person shall lead to the implementation of the criminal penalties and fines established by the provisions of Act No. 20-2017, which sets forth a penalty of imprisonment not to exceed six months or a fine of up to \$5,000, or both penalties, at the discretion of the court or of any applicable law. Moreover, the Department of Health may file an administrative complaint against any natural or legal person who fails to comply with the provisions of the Executive Order and who puts the health and safety of citizens at risk.

On May 26, 2020, Puerto Rico began cautiously reopening businesses, beaches, and churches under strict rules which, had recently been loosen thanks to the reduction COVID-19 hospitalizations and death and the increase in the COVID-19 vaccination rate on the island. However, on December 27, 2021, Governor Pedro

Pierlusi issued Executive Order No. 2021-085, tightening COVID-19 restrictions on the island. Under this Order, starting on December 30, 2021 and until further notice, theaters, stadiums, coliseums, indoor convention centers, as well as indoor restaurants, cafes, and cafeterias, must now operate at 50% maximum occupancy; outdoor food establishments can operate at 75% maximum occupancy. Additionally, restaurants (including fast foods), bars, cafeterias, sports bars, movie theaters, community centers, hotels, beauty salons, barbershops, spas, gyms, and casinos shall verify that its patrons comply with one of the following requirements: (1) present proof that the patron is fully vaccinated; or (2) present a negative COVID-19 result from a test performed by a professional 48 hours prior to the visit; or (3) present a positive COVID-19 result from the last three months with documentation showing their recovery. Any beauty salons, barbershops, spas, gyms, that fail to do so will result in a mandatory 50% occupancy limitation.

Also, since November 15, 2021, any organizer, owner, administrator of any outdoor activities involving 500 people or more, must coordinate with the Department of Health in order to determine the appropriate COVID-19 protocol in order to guarantee the health of those attending. Also, all public employees and contractors must either 1) present proof of being fully vaccinated; 2) provide a negative SARS-CoV-2 test every 7 days; or 3) provide a positive COVID-19 test performed within the past three months, along with a certification from an authorized medical provider, certifying that the individual is fully recovered. These employees no longer have to present a sworn statement for medical or religious exception. These same requirements apply to those employees in the health sector, however, in order to apply for medical or religious exception, they must provide a medical certification signed by a doctor admitted to practice medicine in Puerto Rico (in the case of medical exception) or a certification signed by a minister or religious leader (in the case of religious exception) explaining the religious reasons that prevents vaccination. Likewise, vaccination became mandatory to all employees of the food and beverage sector, including but not limited to, restaurants, bars, theaters, coliseums, convention, and activity centers. Individuals that cannot be vaccinated due to health or religious reasons, must present a medical certification or sworn statement and take weekly COVID-19 tests.

Since March 1, 2021, public and private schools were allowed to reopen in a gradual and organized manner. As a prerequisite, all schools must be registered in the Department of Health's BioPortal, comply with the COVID-19 prevention protocols, and complete a declaration of completion. Once all the steps have been completed, the Department of Health will issue a Preliminary Certification of Compliance which will allow a school to reopen for in-person classes. The Department of Health will then perform a subsequent inspection and issue a Final Certification of Compliance.

From July 22, 2021 onward, all in-person students 12 years or older must be vaccinated in order to be admitted to any public or private school or university. Individuals that cannot be vaccinated due to health or religious reasons, must present a medical certification or sworn statement and must take COVID-19 tests routinely. This requirement applies to all personnel of both public and private schools and universities. Students from ages 5 to 11 shall have until January 31, 2022 to be fully vaccinated, unless any medical or religious exception applies. If so, they will not have to present a weekly negative COVID-19 test. Nonetheless, they will be subject to random COVID-19 tests.

Any individual with either a reasonable suspicion or confirmation of the presence of COVID-19, must quarantine for a period of fourteen days unless he or she can show a negative COVID-19 test performed at least 72 hours prior to entry to the Territory. Further, any individual confirmed with COVID-19 must inform their municipal contact tracing division (or the Department of Health if their municipality does not have a contact tracing division). Individuals violating the Territory's orders will be criminally charged and



sentenced to up to six months of imprisonment, or a fine of not more than five thousand dollars, or both at the court's discretion.

On June 1, 2020, prior Governor Vazquez Garced signed into law, Act No. 56-2020, amending Article 3-A of the Puerto Rico Workers' Accident Compensation Act (Act No. 45-1935) to extend workers' compensation insurance coverage to any employee who is infected with COVID-19 while performing their work-related duties. This law applies retroactively to March 1, 2020.

*Information for Puerto Rico was updated on January 6, 2022*

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