

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 13A

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC –
REVISED ORDER FOR MASKS AND FACE COVERINGS, NURSING HOME STAFF
TESTING**

WHEREAS, on March 10, 2020, I declared public health and civil preparedness emergencies throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak caused by the SARS-COV-2 virus in the United States and Connecticut; and

WHEREAS, on several occasions since March 10, 2020 acting within my authority pursuant to Sections 19a-131 and 28-9 of the Connecticut General Statutes as well as Special Acts 21-2, 21-4, and 21-5 of the General Assembly, and in response to the continued need to respond adequately to the COVID-19 pandemic, I renewed the declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies; and

WHEREAS, pursuant to such declarations, I have issued various executive orders to protect public health, limit transmission of COVID-19, and mitigate the effects of the COVID-19 pandemic (the “COVID-19 Orders”); and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the COVID-19 pandemic remains a grave threat to public health and safety and civil preparedness in the State of Connecticut; and

WHEREAS, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms and through aerosol transmission; and transmission or “shedding” of the coronavirus that causes COVID-19 may be most virulent before a person shows any symptoms; and

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) has recommended that people with mild symptoms consistent with COVID-19 be assumed to be infected with the disease; and

WHEREAS, to reduce the spread of COVID-19, the CDC and the Connecticut Department of Public Health (DPH) recommend implementation of community mitigation strategies to slow transmission of COVID-19, including maintaining a safe distance from others and wearing masks or face coverings; and

WHEREAS, because COVID-19 has caused unanticipated health effects that are not fully understood by the medical community, residents, businesses, and government, agencies face new and unanticipated economic, fiscal, and operational challenges as a result of the COVID-19 pandemic; and

WHEREAS, Connecticut continues to successfully conduct a campaign to vaccinate as many residents as possible against COVID-19, including having opened eligibility to all residents aged 12 or older and having vaccinated a large percentage of those most vulnerable to serious health effects from COVID-19; and

WHEREAS, I have previously announced that consistent with improved vaccination rates and reductions in COVID-19 infection rates, certain outdoor activities, could resume safely on May 1, 2021, and that on May 19, 2021, most remaining business and social gathering restrictions could be lifted; and

WHEREAS, on May 13, 2021, the CDC issued guidance that, because of data showing that vaccinated people were highly unlikely to transmit or contract the SARS-COV-2 variants dominant at the time, people who had been fully vaccinated did not need to wear face masks or face coverings except for in certain rare settings such as correctional facilities, transportation facilities, schools, healthcare facilities, and homeless shelters; and

WHEREAS, in certain indoor settings where the risk of COVID-19 infection is higher because of the concentration of large numbers of people, the presence of people with underlying conditions or compromised immune systems, the difficulty of ascertaining who has been vaccinated may require the universal wearing of masks and face coverings; and

WHEREAS, providing the Commissioner of Public Health with authority to issue and amend rules specifying the settings and locations where mask and face coverings shall be required will provide the most efficient and expeditious method of communicating and, when necessary, modifying such rules in response to changing public health conditions; and

WHEREAS, on May 20, 2021 I issued Executive Order No. 12A, which revised rules for wearing masks in accordance with the principles above; and

WHEREAS, on July 13, 2021, I renewed through September 30, 2021 the previously mentioned emergency declarations in accordance with the requirements of Special Act 21-5; and

WHEREAS, on July 14, 2021, the General Assembly approved by resolution the renewal of such emergency declarations; and

WHEREAS, on July 19, 2021, I renewed through September 30, 2021 Executive Order 12A; and

WHEREAS, on July 27, 2021, as a result of the increased transmissibility of the now-dominant Delta variant of SARS-COV-2 (“the Delta variant”) and the resulting surge in COVID-19 infections, CDC issued guidance recommending that all people, including those who are vaccinated, wear masks indoors in areas of substantial or high COVID-19 transmission; and

WHEREAS, according to the CDC, as a result of increased infection rates and the higher transmissibility of the Delta variant, all eight of Connecticut’s counties are considered areas of substantial transmission; and

WHEREAS, while vaccination remains highly effective at preventing infection, severe disease, hospitalization, and death from COVID-19, including the Delta variant, breakthrough infection and transmission among vaccinated people are possible; and

WHEREAS, Public Act 21-185, An Act Concerning Long-Term Care Facilities, makes several improvements in infection control procedures for nursing homes, including, effective October 1, 2021, requiring regular testing of staff at a frequency determined by the Commissioner of Public Health; and

WHEREAS, the recent surge of COVID-19 infections, dominance of the Delta variant, and the relative vulnerability of nursing home residents to infection, requires that regular mandatory testing of staff in such facilities in order to detect outbreaks and immediately take protective measures, begin as soon as possible; and

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

1. **Revised Mask Requirements.** Executive Order No. 12A is repealed. A person while indoors in a public place who does not maintain a safe social distance of approximately six feet from every other person and who is not fully vaccinated for COVID-19 shall cover their mouth and nose with a mask or cloth face covering. A person shall be considered fully vaccinated 14 days after receiving the final recommended dose of a vaccine approved for use against COVID-19 by U.S. Food and Drug Administration, or as otherwise defined by the Centers for Disease Control.

- a. Nothing in this order shall require the use of a mask or cloth face covering by anyone for whom doing so would be contrary to his or her health or safety because of a medical condition, behavioral condition, or disability, or anyone under the age of 2 years. Any person who declines to wear a mask or face covering because of a medical condition, behavioral condition, or disability shall be exempt from this order and any requirement to wear masks or face coverings promulgated in or pursuant to any COVID-19 Order, but only if such person provides written documentation that the person is qualified for the exemption from a licensed or certified medical provider, psychologist, marriage and family therapist, professional counselor, social worker, or behavior analyst, the Department of Developmental Services or other state agency that provides or supports services for people with emotional, intellectual or physical disabilities, or a person authorized by any such agency. Such documentation shall not be required to name or describe the condition that qualifies the person for the exemption.
- b. The Commissioner of Public Health shall issue a rule setting forth a comprehensive list of facilities, venues, and other locations where masks and cloth face coverings are required, including for people who are vaccinated, and will amend said rule as the Commissioner determines is warranted by public health conditions.
 - i. Any person who fails to wear a mask or cloth-face covering as required by section (b) above or any order described in subsection (d) of this order, other than a person who qualifies for the exemption set forth in subsection (a) of this order, shall be guilty of a violation and fined one hundred dollars. An employer, rather than the employee, is liable for the fine for any employee's failure to wear a required mask or cloth-face covering while at work.
 - ii. Section 51-164n(b) of the Connecticut General Statutes is amended to authorize the Commissioner of Public Health, local health directors, district health directors, and their designees; state and municipal police officers and peace officers as defined in Section 53a-3(9) of the Connecticut General Statutes; and public safety departments of institutions of higher education to issue fines for the violation of the rule established in section (b) above. All fines collected pursuant to this order shall

be distributed to the General Fund. In any case in which a person is charged with a violation pursuant to this order, the procedures set forth in Section 51-164n through 51-164r of the Connecticut General Statutes shall apply. Nothing in this Section shall be construed to limit, alter, modify, or suspend any penalties or remedies that otherwise apply to violation of orders issued pursuant to the civil preparedness and public health emergencies.

- c. Masks shall not be required while eating or drinking.
- d. This order shall supersede and preempt any current or future municipal order whenever such order conflicts with this order, provided that a municipal order issued pursuant to Section 28-8a of the Connecticut General Statutes requiring masks or face coverings in indoor settings regardless of vaccination status shall not be deemed to conflict with this order. Additional restrictions on social, recreational, or business activity that are not related to masks or face coverings, except for workplace restrictions or employment conditions imposed by municipalities on their employees, shall be deemed to be in conflict with this order.
- e. Any business, nonprofit organization, property owner, or state, regional, or municipal government or agency may, subject to the exceptions in subsection (a) of this order and in addition to or in the absence of any municipal order pursuant to Section 28-8a, as described in subsection (d) of this order, require the universal use of masks or face coverings or require staff to wear masks or face coverings in settings under their ownership or control, including, but not limited to, offices, places of public accommodation, public venues, or public meetings.
- f. Nothing in this order shall limit the authority of the Commissioner of Education or the Commissioner of Early Childhood to issue operational rules, including but not limited to mask or face covering requirements, pursuant to Executive Order No. 9, Section 1.
- g. Any directive, rule, guidance, or order pursuant to this order shall not be included in the definition of a regulation pursuant to Section 4-166(16) of the Connecticut General Statutes.

2. **Effective Date of Legislation Requiring Testing of Nursing Home Staff During Disease Outbreaks.** Section 6 of Public Act 21-185 is modified to take effect immediately.

This order shall take effect immediately and remain in effect through September 30, 2021 unless earlier modified or terminated.

Dated at Hartford, Connecticut, this 5th day of August, 2021.



Ned Lamont
Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Denise W. Merrill
Secretary of the State

