



**ANDY BESHEAR**  
**GOVERNOR**

**EXECUTIVE ORDER**

**Secretary of State**  
Frankfort  
Kentucky

**2021-585**  
**August 10, 2021**

**STATE OF EMERGENCY**

The novel coronavirus (COVID-19) is a respiratory disease that has contributed to the deaths of nearly 615,000 Americans and 7,387 Kentuckians over the past 17 months.

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

New cases of and hospitalizations for COVID-19 are increasing in Kentucky and the United States at the fastest rate of growth of the pandemic because of the transmission of the highly contagious Delta variant. According to the Centers for Disease Control and Prevention ("CDC"), the Delta variant is nearly twice as contagious as previous COVID-19 variants, and fully vaccinated people with Delta variant breakthrough infections can spread the virus to others. Hospitalizations from COVID-19 are doubling every two weeks, by far the fastest rate of growth of the pandemic. Healthcare systems are becoming overwhelmed across the United States. As of today, Arkansas' governor reports only eight ICU beds are available in his entire state. A surge of hospitalizations of children with COVID-19 is further causing children's hospitals to become overwhelmed, with recent CDC data showing an average of 192 children with COVID-19 admitted to U.S. hospitals every day over the past week, which is a 45.7% increase from the prior week in daily new hospitalizations of children age 17 and under. The American Academy of Pediatrics recently reported that more than 71,000 children and teenagers were infected with COVID-19 last week, up 84% from the previous week and five times as many cases as the end of June.

In Kentucky, 2,612 new cases of COVID-19 were reported on August 6, 2021 – 525 new cases in age 18 and under – and 976 Kentuckians were hospitalized for COVID-



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19, with 286 in intensive care units and 121 people fighting for their lives on ventilators. The positivity rate was 10.46%. Only one month earlier, on July 6, 87 new cases of COVID-19 were reported – only 13 new cases in age 18 and under – 198 people were hospitalized, 69 people were in intensive care units, 34 people were on ventilators, and the positivity rate was 2.65%.

On August 9, 2021, the Commonwealth surpassed 500,000 total cases of COVID-19 and 7,387 Kentuckians had died from disease. The Commonwealth reported 1,301 new cases on August 9, including 269 new cases in people age 18 and under; 1,139 people were hospitalized, with 331 patients in the intensive care unit and 158 on a ventilator. Seven deaths were reported on August 9 and the positivity rate increased to 10.78%. A month earlier, on July 9, 379 new cases were reported, with 89 new cases in people age 18 and under, while 228 people were hospitalized, 68 patients were in intensive care units and 36 patients were on ventilators. The positivity rate was then 3.10%. Nearly four times as many children and teenagers under age 18 in Kentucky – 4,165 – were diagnosed with COVID-19 in July than in June, when 1,197 tested positive.

Without intervention, at this rate in two weeks Kentucky will likely have the highest number of people hospitalized, the highest number of patients in the ICU and the highest number of patients on ventilators at any time of the pandemic.

The most recent CDC data show 119 of 120 Kentucky counties is at substantial or high risk of community transmission of COVID-19. The increases in COVID-19 cases and hospitalizations arise as Kentucky schools begin the academic year.

While Kentucky has had success in administering a first dose of the COVID-19 vaccine to 2,376,891 people, vaccines remain unavailable for approximately 661,500



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Kentucky children age 11 and under, and less than 34% of all eligible Kentucky children between age 12 and 17 have received their first dose of a vaccine.

The CDC now recommends universal indoor wearing of face coverings for all teachers, staff, students (age 2 and older), and visitors to schools, regardless of vaccination status. The CDC recommends that all people age 2 and older who are not fully vaccinated should wear a face covering while indoors in childcare settings. The CDC also recommends that fully vaccinated people wear a face covering in public indoor settings in areas of substantial or high transmission.

Data from the Boston University School of Public Health show that states with high percentages of citizens wearing face coverings had less than half the COVID-19 infection rate of states with low numbers of citizens wearing face coverings. The Centers for Disease Control and Prevention (“CDC”) conducted a study of all 3,142 counties in the United States and found that those counties with mask mandates in effect experienced a statistically significant decrease in daily COVID-19 cases.

The State of Emergency continues in the Commonwealth:

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

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



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and private preschool, Head Start, elementary, middle, and high schools (preschool through grade 12) in Kentucky, including but not limited to inside of vehicles used for transportation such as school buses, regardless of vaccination status.

3. All staff and visitors, and all children age 2 and older who are able to wear a face covering, must cover their nose and mouth with a face covering when indoors in all child care settings in Kentucky, regardless of vaccination status.

4. The following are exempt from wearing face coverings:

- a. Children who are under age 2;
- b. Any person who is sleeping or unconscious, or who cannot otherwise remove the face covering on their own;
- c. Any person with disability, or a physical or mental impairment, that prevents them from safely wearing a face covering;
- d. Any person who is deaf or hard of hearing and is actively communicating, or any person who is actively communicating with someone who is deaf or hard of hearing, and is able to maintain a safe distance of six feet from all individuals who are not members of that person's household;
- e. Any person engaged in work that a state or federal regulator has concluded would make wearing a face covering a risk to their health or safety;
- f. Any person who is seated and actively consuming food or beverage;
- g. Any person who is obtaining a service that requires temporary removal of the face covering in order to perform the service;
- h. Any person who is required to temporarily remove their face covering to confirm their identity or for security or screening purposes;



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- i. Any person who is giving a speech or broadcast to an audience and is able to maintain a safe distance of at least six feet from all individuals who are not members of the person's household;
  - j. Any person who is in a swimming pool or other body of water indoors;
  - k. Any person who is actively engaged in exercise while indoors in the settings described in this Order;
  - l. Any person who is engaged in a lawful activity where federal or state law prohibits wearing a face covering.
5. This Order is effective at 4:00 p.m. on August 10, 2021, for a period of 30 days, and is subject to renewal.

A handwritten signature in black ink that reads "Andy Beshear".

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ANDY BESHEAR, Governor  
Commonwealth of Kentucky

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MICHAEL G. ADAMS  
Secretary of State