



**The Arts are Open for Business: Guidance and Best Practices for a Safe Reopening
Thursday, May 20, 2021**

Current Restrictions/Guidance through May 27, 2021 (most under Entertainment and Amusement Businesses):

- Indoor venues – the lesser of 50% of lowest occupancy load or 1,000
- Outdoor venues – 50% of lowest occupancy load
- Private bookings (rentals, donor events, receptions) – 100 indoors; 250 outdoors;
- Six (6) feet of physical distancing amongst patrons (not from the same household) and for performers (among each other)
- Performers must maintain 10 feet of physical distance from audience
- Fitness/exercise (dance classes) – 75% of lowest occupancy load; 10 feet of social distancing still required

With **Governor Northam's [announcement of May 14](#)** , fully vaccinated individuals are no longer required to wear masks indoors or outdoors, but for some business sectors that have been identified. Businesses may further set their own policy, and should consult legal counsel in so doing.

Those who are unvaccinated or not fully-vaccinated are strongly encouraged to wear masks in all settings.

What if an employee had evidence of COVID antibodies in a test? Should they still be vaccinated? Should they use masks?

The presence of antibodies does not make the individual as protected against the disease as the vaccination. Even if antibodies are present, individual should still get vaccinated. If not vaccinated, individual must wear a mask. For more information on this topic, view this report from the FDA on [Antibody Testing](#) as a means to assess immunity

How/can you enforce mask or no mask requirements without social distancing?

Each establishment may choose to continue to require masks (or not), and strategies are suggested within this document for dealing with those who do not maintain wearing the mask.

That said, you should consult with your legal counsel to know what is fully within your organization's rights.

How does the mask mandate apply to musicians and singers?

Fully vaccinated musicians may not wear masks. Unvaccinated should still wear masks. Winds/brass players and singers who are unvaccinated should maintain ten feet of physical distance.

After May 28, can vaccinated performers (dancers, actors and musicians) be on stage without masks and no social distancing?

Yes. Between now and then, performers must maintain 6 feet of distance between each other.

If we rent a facility for rehearsals, would a (portable) HEPA filter be helpful? Yes. This could be a useful solution to some of your smaller space settings in which you do not have control of the venue.

Does “congregant settings” refer to our sector?

The term “congregant settings” does not apply to arts and entertainment.

Can you please clarify HIPAA laws and whether they apply to businesses?

DOLI (Department of Labor and Industry) has released its [Final Guidelines for COVID-19](#) and question #21 helps to address some of this, however you should also consult legal counsel.

Is it the responsibility of the venue or the lessee to determine best practices where social distancing is optional?

After May 28, those decisions are up to the venue, with (ideally) the input of the lessee. Any local or state jurisdictions will not exercise any oversight at that time

In hosting art classes for young children, taught by adults, what is the indoor (and outdoor) distancing requirement, given unvaccinated children would be wearing masks?

Until May 28, six feet of physical distance is required between parties at arts and crafts facilities. After that, guidance would suggest that unvaccinated children should continue to wear masks and follow physical distancing measures. Additional resources to consult may include the [DSS Guidance for Children](#).

What will be the requirements for summer camps (day/overnight)?

Overnight summer camps will continue to be regulated by DSS. Please see the [DSS Guidance for Children](#). Day camps should also reference guidance from DSS.

What do the changes on May 28 mean? What's really changing?

On May 28, all business restrictions will be removed. Masks will continue to be necessary for individuals who are not fully vaccinated. Encourage vaccination!

Suggested strategies/best practices:

- Get to know and stay in touch with your [local health districts](#). They can help advise on protocols and also help you stay apprised of developments in your own districts.
- **Signage will continue to be important.** Communicate to your patrons important direction and required and continued good protocols, including (as appropriate for your venue):
 - Mask guidance
 - Wash your hands often or use hand sanitizing stations
 - Product usage (for example, if using water bottles or other recyclables, how patrons can obtain and dispose)
- More recent CDC guidance suggests that once daily cleaning of surfaces is proving to be sufficient. Infection from surfaces has proven to be extremely low.
- In dealing with patron whom you want to mask, consider passing them something the size of a business with a subtle request to put the mask back on (in proper placement).
- Engage your artists in the development of backstage protocols and practices. As an example, so are planning to limit the numbers of people allowed backstage and exercise more control in monitoring.
- Consider your messaging for patrons in setting expectations for the experience. For example, do you set the expectation that patrons should be sure to contact you should they receive a positive test after visiting your venue? As a related example, some organizations communicated language at the point of sale (primarily electronically) to set the expectation for mask-wearing, etc.
- Consider your ongoing practices relative to queueing and (otherwise) flow of traffic. In general will still be considered more favorable to have patrons go in one direction rather than opposing directions.

Resources

- Governor Northam's Executive Orders
 - [Executive Order 72](#) – effective May 15, 2021
 - [Executive Order 79](#) – effective May 28, 2021
- [Latest Standards from \(Virginia\) Department of Labor and Industry](#)
- [Ventilation Best Practices](#) – published by Virginia Department of Health (VDH)
- [DSS Guidance for Childcare](#) – including for daycare, camps (summer, day)
- [Safestart](#) – guide for safe opening, published by [American Shakespeare Center](#) (Staunton)
- [The Art of Reopening](#) – webinar and publication from the National Endowment for the Arts, pub. January, 2021
- [Considerations for Museums Reopening](#) – published by American Association of Museums

If you have more questions or resources to share, please send to arts@vca.virginia.gov.