Order of the Columbia/Boone County Public Health and Human Services Director Boone County Order No. 2020-16C

Notice and Issuance of Rules and Regulations regarding Gatherings in Boone County – Renewal of Modified Reopening Plan – Phase 2, Step 3

JURISDICTIONAL NOTE – These Rules and Regulations apply to <u>all areas</u> within Boone County outside the city limits of the City of Columbia.

Facts

1. The United States Center for Disease Control and Prevention has reported that a novel (new) coronavirus that was first detected in China and has now been detected in more than 100 locations internationally, including in the United States.

2. The virus has been named "SARS-CoV-2" and the disease it causes has been named "coronavirus disease 2019" ("COVID-19").

3. COVID-19 is considered an infectious, highly contagious communicable and dangerous disease and on March 11, 2020 was declared by the World Health Organization to be a pandemic.

4. On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency and the Governor of Missouri declared a state of emergency in Missouri.

5. As of June 16, 2020, in the United States the SARS-CoV-2 virus has been responsible for over 2.1 million cases of COVID-19 resulting in over 116,000 deaths.

6. The United States Centers for Disease Control and Prevention ("CDC") has warned against large gatherings of people:

> "Large events and mass gatherings can contribute to the spread of COVID-19 in the United States via travelers who attend these events and introduce the virus to new communities. Examples of large events and mass gatherings include conferences, festivals, parades, concerts, sporting events, weddings, and other types of assemblies."
> https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/mass-gatherings-ready-for-covid-19.html.

7. In addition, the CDC has urged restriction on the size of any gathering consistent with local conditions.

8. The CDC has raised particular concern about the health and susceptibility of high-risk individuals. https://www.cdc.gov/coronavirus/2019-ncov/downloads/community-mitigation-strategy.pdf.

9. COVID-19 has now been detected in the State of Missouri and Boone County, with local conditions expected to include an increase of infections consistent with national trends unless significant containment efforts successfully limit the local spread of the virus.

10. Case investigation and contact tracing conducted by the local health department is an integral part of a multipronged approach to contain the spread of the virus.

11. Ensuring adequate healthcare resources exist within the community to promptly identify, isolate, and care for individuals exposed to COVID-19 and respond to any anticipated surge in required healthcare services due to COVID-19 while maintaining adequate care for other patients is critical to the health, safety, and well-being of the public.

12. The Health Director, as the Local Health Authority, has issued prior Orders that have resulted in a decline of the number of COVID-19 cases in Boone County and on May 4, 2020 began a slow reopening of the local economy with Order 2020-05C, which generally provided for 25% occupancy for businesses while continuing to limit intentional gatherings to 10 persons and requiring social distancing between employees at all establishments.

13. On May 26, 2020 Phase 2 Step 2 of the reopening plan was implemented through Order 2020-06C which generally authorized 50 % occupancy of businesses and increased the size of intentional gatherings to 50 persons.

14. On June 23, 2020 Phase 2 Step 3 of the reopening plan went into effect under Order 2020-07C generally authorizing most businesses to reopen with implementation of social distancing requirements and limiting large gatherings to 100 persons with certain exceptions allowed if the business could provide an operational plan to ensure public safety.

15. The number of identified active COVID-19 cases in Boone County increased from 21 active cases on May 26, 2020 to 231 active cases on July 8, 2020 causing the Director to extend Phase 2 Step 3 of the reopening plan pursuant to Order 2020-08C.

16. The number of active cases in Boone County continues to increase with the seven (7) day rolling new case rate for the period of July 29, 2020 through August 4, 2020 at 106 cases per 100,000.

17. The University of Missouri student population began its on-campus move-in on August 17, 2020 with in-person classwork resuming on August 24, 2020.

Stephens College began in-person classes on August 25, 2020, with residential students returning to campus for move-in and orientation between August 16-24, 2020. Columbia College began its move-in and orientation on August 28-30, 2020 and in-person classes began on August 31, 2020. The number of students resuming higher education coursework in the City of Columbia exceeded 30,000.

18. Since August 17, 2020 Boone County has experienced a steady increase in COVID-19 daily cases with the new daily cases reported on August 27, 2020 as of 4:00 pm being 83_with the total number of active cases being 502. The average number of active cases in the 18- 22 age bracket increased over 220% in the seven days ending on August 27, 2020 compared to the previous seven (7) day period. The number of hospitalizations within Boone County increased from 27 on August 17, 2020 to 43 on August 27, 2020.

19. Since implementation of Order 2020-11, the number of new daily cases has increased, with the five-day rolling average increasing from 61 on September 18, 2020 to 132 on November 11, 2020. Since September 25, 2020, there has been an upward trend in hospitalizations with 60 Boone County individuals hospitalized during the month of October. During the month of November 2020, 106 Boone County citizens with COVID-19 were hospitalized. As of December 2, 2020, there were 157 patients with COVID-19 hospitalized in Boone County. 46 of the 157 patients hospitalized on December 2, 2020 were in the Intensive Care Unit, and 20 were on ventilators. Boone County hospitals are currently reporting "yellow" status indicating they are delaying non-emergency patient transfers from referring hospitals due to capacity or staffing for greater than two consecutive days, or are delaying non-urgent procedures and operations to provide additional inpatient capacity.

20. The total number of Boone County residents hospitalized in the month of November was greater than the number of persons hospitalized in September and October combined.

21. As of December 3, 2020, there were 4,435 cases of the 10,485 total number of COVID-19 cases in Boone County attributable to persons age 18 to 27 indicating a need to continue to specifically address the interaction of young adults in locations where the spread of the disease through community contact has a greater probability.

22. At this time, the Director finds that due to an increase in the number of new daily cases and increasing hospitalizations, it is necessary to continue the current order with the addition of a Face Mask requirement for an additional three weeks to ensure the capacity of local resources is adequate to meet the increased need.

Legal Basis of Rules and Regulations

23. The Columbia/Boone County Public Health and Human Services (PHHS) Director is the "local health authority" as contemplated in 19 CSR 20-20.010 of the Code

of State Regulations, incorporated by reference in Boone County's Code of Health Regulations, Chapter 8.

24. Boone County's Code of Health Regulations, and the terms of this Order, apply to all areas of Boone County except those areas within the corporate limits of the City of Columbia. See RSMo Secs. 192.300 and 192.310.

25. Pursuant to 19 CSR 20-20.050, the local health authority is empowered to order quarantines, isolations, and closings of schools and places of public and private assembly in order to protect the public health.

NOW, THEREFORE, based on the foregoing facts and the authority that exists under federal, state, and local law, I declare that SARS-CoV-2 and COVID-19 are contagious diseases that are or may become epidemic in the County and enact the following regulations for Boone County notice of which is hereby given.

Rules and Regulations

Section 1.01 **Purpose and construction of rules and regulations.**

The purpose of the rules and regulations contained herein is to contain the spread of SARS-CoV-2 and COVID-19. The rules and regulations established herein are remedial in nature and should be interpreted consistent with the intended purpose. By enacting this Order it is the express intent to ensure that the community continues to take steps to reopen and recover while still implementing measures to check the spread of disease and protect High Risk Individuals.

This Order supersedes and replaces all prior orders and shall be **effective at 12:00 a.m. on December 8, 2020 and will expire at 11:59 p.m. on December 22, 2020 unless extended, rescinded, or modified prior to such expiration.**

Section 1.02 **High Risk Individuals.**

"High Risk Individual" means a person who is any one of the following:

(a) over sixty-five (65) years of age;

(b) living in a nursing home or long-term care facility; or

(c) has an underlying medical condition identified by the CDC as placing the

individual at high risk, including chronic lung disease, moderate to severe asthma, heart disease, immunocompromised condition, severe obesity (body mass index of 40 or higher), diabetes, chronic kidney disease or undergoing dialysis, liver disease.

Section 1.03 **Social Distancing Requirements.**

"Social Distancing Requirements" means the social distancing recommendations of the CDC which include maintaining at least six-foot (6 ft.) social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer with more than sixty percent alcohol, covering coughs or sneezes with something other than hands, regularly cleaning high-touch surfaces, and not shaking hands, or as otherwise defined by order of the Director. In addition, individuals should avoid shared items whenever possible and if items must be shared it shall be disinfected between uses. Customer-employee contact shall be limited to one employee per customer or group of customers to the greatest extent possible.

Section 1.04 **Face Mask Requirements.**

"Face Mask" means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A covering that hides or obscures the wearer's eyes or forehead is not a Face Mask. A Face Mask may be factory-made or may be handmade or improvised from ordinary household materials. A mask that incorporates a one-way valve designed to allow air to escape from behind the mask does not comply with Face Mask requirements.

"Face Mask Requirements" means the required wearing of a Face Mask by any individual aged ten (10) or over during any period of time Social Distancing Requirements cannot be met and an individual is within six (6) feet of another person who is not a member of such individual's household. All persons, businesses, and institutions shall comply with the Face Mask Requirements. Exceptions to the Face Mask Requirement shall exist for the following:

(a) While outdoors when able to maintain a distance of at least six feet from others;
(b) While exercising outdoors or while exercising indoors when able to maintain a distance of at least six feet from others;
(c) While engaging in an otherwise authorized sporting or exercise activity;
(d) While at home and exclusively in the presence of members of your own household;
(e) When in your or your family's personal vehicle;

(f) While eating or drinking when seated at a table in a restaurant or bar (there is no exception to the Face Mask Requirements for persons who are standing and eating or drinking);
(g) Persons with a medical condition, mental health condition, or disability that prevents wearing of a Face Mask; provided however, such persons must maintain Social Distancing Requirements from any individual who is not a member of such person's household;
(h) When any party to a communication is deaf or hard of hearing and not wearing a Face Mask is essential to communication;
(i) While obtaining a service that requires the temporary removal of a Face Mask, including, but not limited to, dental examinations;
(j) When necessary to confirm the individual's identity;
(k) When federal or state law prohibits wearing a Face Mask or requires the removal of a Face Mask;
(l) When requested by a law enforcement officer;
(m) When requested by a medical provider, including emergency response personnel;
(n) When in a business/commercial/office setting and not within six feet of any other person; provided however, when moving from place to place in a business location where that person cannot maintain at all times a distance of six feet from all other persons, a Face Mask shall be worn;
(o) Under such circumstances identified in any subsequent Order, formal guidance, or approved Operational Plan issued by the Director. ;

Section 1.05 **Businesses and Other Institutions Open to the Public.**

All businesses and institutions not otherwise addressed in this Order may operate provided they maintain Social Distancing Requirements and disinfect common areas regularly. For purposes of this section, businesses and institutions open to the public include general retail, grocery stores, places of worship, financial institutions, car dealerships, hotels, conference centers, event centers, etc.

A business or institution shall be deemed "open to the public" if it is a private club or organization that provides or sells memberships to the general public for use by its members (ex. – country clubs, fraternal organizations, social clubs, gyms, fitness centers, etc.).

Any large group gathering or event held at a business or institution open to the public is limited to fifty percent (50%) of the authorized occupancy or a maximum of one hundred (100) people, whichever is less; provided Social Distancing Requirements are maintained. A request for an exception or waiver to the occupancy limitation for large group gatherings or events may be approved by the Health Director pursuant to Section 1.18.

All business establishments are strongly encouraged to operate at a capacity less than otherwise permitted to make it more feasible for customers and staff to maintain proper social distancing within their establishment, and to provide services remotely or in a manner maximizing social distancing (e.g., curb-side pickup, delivery, etc.) as much as practicable.

Section 1.06 **Businesses and Other Institutions Not Open to the Public.**

All businesses and institutions that are not open to the general public and are not otherwise addressed in this Order may operate provided they maintain Social Distancing Requirements to the greatest extent possible and maintain a disinfection plan for all common use areas. This section applies to any privately owned business not otherwise addressed in this Order where visitor access to the business is restricted or by appointment only. For purposes of this section, businesses and other institutions not open to the public include general manufacturing, professional offices, insurance offices, construction trades, etc.

Section 1.07 **Restaurants and bars.**

Restaurants and bars shall close no later than 10:30 pm. After 10:30 pm, restaurants and bars serving alcohol may only conduct curb-side and off-premises delivery of food items. There shall be no carry-out, curb-side, or off-premises delivery of alcoholic beverages after 10:30 pm. Restaurants that do not serve alcohol are not required to close at 10:30 pm.

During operating hours, all such venues are permitted to operate with no occupancy limitations; provided, however, groups of patrons shall be limited to a maximum of ten (10) persons per table and Social Distancing Requirements between tables/groups of patrons shall be observed. With the exception of carry-out services, there shall be no standing bar, counter, or buffet service. All patrons are required to be seated at all times when not entering/exiting the business or visiting a restroom facility. A Face Mask is required to be worn by any patron not seated at a table. A request for an exception or waiver to the "no standing bar, counter or buffet service" requirement may be approved by the Health Director pursuant to Section 1.18.

Section 1.08 **Entertainment venues.**

Entertainment venues shall include nightclubs, movie theaters, bowling alleys, dance halls, child entertainment facilities, and similar businesses. A nightclub shall be defined as an entertainment venue or bar that usually operates late into the night and is generally distinguished from regular bars, pubs, or taverns due to having limited or no tables, limited or no food service, or by the inclusion of a

stage, one or more dance floor areas and/or a DJ booth or other sound system where music or other types of entertainment are utilized for the entertainment of patrons.

Entertainment venues are permitted to be open subject to an occupancy limitation of a maximum of one hundred (100) people, provided an Operational Plan meeting the minimum requirements set forth in Section 1.18 is submitted and approved by the Health Director, and Social Distancing Requirements are maintained. A request for exception or waiver to the occupancy limitation for entertainment venues may be approved by the Health Director pursuant to Section 1.18. Such venues are also subject to the following additional minimum requirements:

a) Dance floors at entertainment venues shall be closed for dancing. The owner my repurpose the dance floor for table seating or other authorized use if approved in the Operational Plan.

b) All food and beverage at an entertainment venue must be consumed by patrons while seated.

c) Table seating shall be limited to a maximum of ten (10) persons per table.

d) Social Distancing Requirements between tables shall be maintained.

e) Any person at an entertainment venue who is not seated must wear a Face Mask.

f) All Entertainment venues are required to close at 10:30 p.m.

Exception for Entertainment venues frequented by persons under the age of ten (10): In places where the Social Distancing Requirements are difficult to maintain by persons under the age of ten (10), such as child entertainment facilities and arcades, capacity shall be limited to fifty (50) children with the total capacity limited to one hundred (100) individuals, provided an Operational Plan meeting the minimum requirements set for in Section 1.18 is submitted and approved by the Health Director. A plan for frequent disinfection should be in place. All individuals age ten (10) and over are required to wear Face Masks.

Section 1.09 **Childcare services and day camps.**

Childcare, day camps, and other dependent services can provide childcare for working families provided they limit the number of participants in any single group to a maximum of fifty (50) children, take reasonable actions to comply with Social Distancing Requirements, and provided further that:

(a) Childcare must comply with the Missouri Department of Health and Senior Services regulations (including but not limited to the maximum number of students permitted in any classroom);

(b) Childcare and day camps must be carried out in stable groups ("Stable" means the same group of children are, to the greatest extent possible, in the same group each day);

(c) Children shall not change from one group to the other on the same day;

(d) If more than one group of children is cared for at one facility, each group shall be in a separate room and groups shall not mix with each other;

(e) Childcare and day camp providers shall remain solely with one group of children in the same day, and providers shall remain separated at all times (no breaks or off time together).

A request for an exception or waiver to the occupancy limitation for childcare services and day camps may be approved by the Health Director pursuant to Section 1.18.

Section 1.10 **Businesses providing personal care services.**

Personal care services shall include hair salons, nail salons, massage businesses, estheticians, and similar businesses. All businesses providing personal care services shall maintain Social Distancing Requirements to the greatest extent possible. All such businesses shall require employees to wear a Face Mask while providing services for which physical distancing is not possible. All such businesses shall also require customers, to the extent possible while receiving the service, to wear a Face Mask.

These services may be performed with fifty (50) or fewer people in a single location or a maximum of fifty percent (50%) occupancy for the location, whichever is less, including both employees and customers in the calculation. A request for an exception or waiver to the occupancy limitation for businesses

providing personal care services may be approved by the Health Director pursuant to Section 1.18.

Section 1.11 **Pools.**

Pools must provide a plan for disinfection and monitoring to the Columbia/Boone County Department of Public Health & Human Services prior to reopening. Once that plan is approved, the following restrictions shall apply:

(a) Pools monitored with an attendant may be open and all present must maintain Social Distancing Requirements. It is the attendant's responsibility to ensure that Social Distancing Requirements are maintained.

(b) Pools not monitored by an attendant may have up to fifty (50) people at the pool at any one time provided Social Distancing Requirements are maintained and use of Face Masks is required.

A request for an exception or waiver to the occupancy limitation for pools may be approved by the Health Director pursuant to Section 1.18.

Section 1.12 **Sports and Sporting Events.**

Non-contact, limited contact, and contact sports and activities are permitted with a limitation that such activities be conducted in stable groups of fifty (50) participants. The spectator area for any sport is limited to fifty percent (50%) of the occupancy based on the applicable fire code or one hundred (100) people maximum, whichever is less. Social Distancing Requirements must be met for all spectators. A request for an exception or waiver to the occupancy limitation for sports and sporting events may be approved by the Health Director pursuant to Section 1.18.

Such provisions shall not apply to any facilities owned or operated by the University of Missouri, which is an instrumentality of the state and governed by a Board of Curators appointed by the Governor with the advice and consent of the Missouri Senate.

Section 1.13 **Playgrounds, Parks, Trails, and spraygrounds.**

These facilities are permitted to be open without any limitations other than those provided by other applicable laws, rules, and regulations. Patrons shall maintain Social Distancing Requirements and shall be cognizant of the need to wash hands

before and after use.

Section 1.14 **Limitation on other public gatherings.**

All other intentional gatherings or gathering places not specifically referenced in this Order are limited to twenty (20) people, including both public and private gatherings. Social Distancing Requirements must be observed at all other intentional gatherings. A request for an exception or waiver to the occupancy limitation for public gatherings may be approved by the Health Director pursuant to Section 1.17.

Section 1.15 **Limitation for High-Risk Individuals.**

High Risk Individuals are encouraged to continue to stay at home and not interact with others except for vital activities and should continue to engage in physical distancing to the greatest extent possible. High Risk Individuals who are able to work from home are encouraged to continue to work from home to the greatest extent possible.

Section 1.16 **Limitation for Long-Term Care Facilities.**

Long-term care facilities must maintain high levels of infection prevention and control effectors and should, at a minimum, follow the guidance and the recommendations of the Centers for Medicare and Medicaid Services related to reopening of facilities. See https://www.cms.gov/files/document/qso-20-30-nh.pdf .

Section 1.17 **Work from Home Encouraged.**

All employees who are able to work from home should continue to work from home to the greatest extent possible.

Section 1.18 **Businesses, Entities, Large Venues or Public Gatherings with Unique Circumstances may seek Waiver or Approval for Specific Plans.**

Any business, entity, large venue, or public gathering facing unique circumstances not specifically addressed in this Order or seeking to accommodate in excess of the limitations specified in this Order may submit a proposed Operational Plan for review and conditional approval by the Health Director, or authorized designee. Operational Plans should describe the nature of the activity conducted on the premises and emphasize how the business or entity will meet Social Distancing Requirements, disinfect common touch spots,

identify patrons for contact tracing in the event of an outbreak, and/or otherwise take steps to reduce the spread of COVID-19 while carrying out the described activities on the premises.

Operational Plans must meet the goals of this order to limit the spread of COVID-19 and shall be submitted for review at least fourteen (14) days in advance of the date of any special event or activity. Any Operational Plan which is a clear attempt to evade compliance with this order will be rejected and the applicant will be required to re-submit a plan. Neither the Director nor the Director's staff will write an Operational Plan for an applicant. Approval of a plan does not guarantee that the plan will not be suspended, revoked or required to be modified by the applicant if circumstances warrant such suspension, revocation or modification.

Section 1.19 **Exemptions.**

The following are exempt from the restrictions in this Order:

(a) Cafeterias, commissaries, and restaurants located within hospitals, nursing homes, or similar facilities;

(b) Adult detention facilities and juvenile justice facilities, or similar facilities;

(c) Food banks;

(d) Crisis shelters or similar institutions;

(e) Facilities owned or operated by the State of Missouri, including but not limited to the University of Missouri;

(f) The 13th Judicial Circuit.

Section 1.20 **Enforcement.**

Violation of or failure to comply with this Order is a Class A misdemeanor punishable by up to one-year in jail, up to a $2,000 fine, or both such jail time and fine. See RSMo Sec. 192.320. Each day constitutes a separate violation.

For violations of the mask mandate, it is recommended that any person who has been convicted of a violation of the mask mandate portion of this Order be sentenced to pay a fine which does not exceed fifteen dollars ($15.00) for an

individual and one hundred dollars ($100.00) for a business or nonprofit entity of any kind, with each violation being a separate offense. By way of example, it is recommended that where two people who are not members of the same household are in a business vehicle and not wearing Face Masks, each individual is subject to a recommended fine of $15.00, and the business is subject to two recommended fines of $100.00 each for a total of $200.00.

Every restaurant, bar, or other food establishment is hereby provided notice that the failure to comply with the requirements of this Order shall also be deemed a circumstance that may endanger public health and an imminent health hazard in violation of the food code. An establishment found to have an imminent health hazard may have their operating permit suspended by the Director. Such suspension may require the establishment to immediately discontinue operations and remain closed until such time as the violations creating the immediate health hazard are abated. At a minimum, abatement will require the establishment to submit and obtain approval for an Operational Plan showing how the establishment will comply with the requirements of this Order to prevent the spread of disease.

Section 1.21 **Savings clause.**

If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

So Ordered.

Stephanie Browning

Stephanie Browning
Director, Columbia/Boone County
Department of Public Health and Human Services

12.4.2020
Date