

Order of the City of Columbia
Director of Public Health and Human Services
2019 Novel Coronavirus ("COVID-19")
Notice and Issuance of Rules and Regulations

Order No. 2020-22

Moving Forward with Reopening

Facts

1. The United States Center for Disease Control and Prevention has reported the outbreak of a novel (new) coronavirus that was first detected in China and has been spreading rapidly worldwide since approximately December 2019.

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 been detected in the State of Missouri and the City of Columbia, 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 the City of Columbia and on May 4, 2020 began a slow reopening of the local economy with Order 2020-05, 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 2020-06 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 2020-07 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 2020-08.

16. Based on continued increase of new case rates and a seven (7) day rolling new case rate for the period of July 29, 2020 through August 4, 2020 at 106 cases per 100,000, the Director modified Phase 2 Step 3 of the reopening plan in Order 2020-09 to include the requirement to wear a face mask under certain conditions.

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 will begin its move-in and orientation on August 28-30, 2020

with in-person classes beginning on August 31, 2020. The number of students resuming higher education coursework in the City exceeds 30,000.

18. In response to increasing COVID-19 cases in the 18-27 age bracket and increasing hospitalizations in Boone County, the Director entered Order 2020-10 on August 28, 2020 to establish an operating curfew on bars and restaurants to specifically address the interaction of young adults in locations where the spread of disease through community contact had a greater probability. On September 16, 2020, the Director's Order 2020-11 modified the closing time for bars and restaurants to 10:30 pm; however, the continued increase in active cases and hospitalizations caused the Modified Reopening Plan to continue to be renewed in Orders 2020-13 through 2020-18.

19. In response to improving conditions, the Director entered Order 2020-20 on March 1, 2021. Since that time, hospitalizations continue to be stable with the number of persons hospitalized in Boone County hospitals as of April 9, 2021 reported as being 16. Boone County hospitals are currently reporting "green" status indicating they are operating within licensed bed capacity and accepting patient transfers from referring hospitals within standard care operating procedures.

20. As of March 19, 2021 the five day rolling average number of new cases had decreased to 17. The five day rolling average dropped to a low of 5 on March 31, 2021 and then rose to a five day rolling average of 20 on April 9, 2021. This represents a 300% increase. In addition, the number of active cases of COVID-19 in Boone County went from 48 cases on April 2, 2021 to 110 active cases on April 9, 2021. Public Health and Human Services has the necessary capacity to initiate timely case investigations and contact tracing.

21. The 18-24 year old age group makes up 19% of the Boone County population. During the week beginning April 4, 2021 44.7% of new cases that week were in this age group. This represents the highest percentage of new cases in this age group since the week of September 7, 2020. The 18-24 year old population also had the highest case rate of all age groups during the week beginning April 4, 2021. The last time that this group had the highest weekly case rate was October 10, 2020.

22. Vaccine became available to all people living or working in Boone County on April 9, 2021. As of April 12, 2021, the Missouri Department of Health and Senior Services reports that 68,871 people in Boone County have initiated vaccinations and 44,206 people have completed vaccinations. This represents 38.2% of the population initiating vaccinations and 24.5% completing vaccinations. Vaccine only became available to all people living or working in Boone County on April 9, 2021. To increase the number of people protected through vaccination, more time is necessary to allow those who only recently became eligible for vaccination to be vaccinated.

23. On February 6, 2021, the Missouri Department of Health and Senior Services reported the first identification in a Missouri resident of the COVID-19 variant,

B.1.1.7, which was first detected in the United Kingdom in September 2020 and began being reported in the United States in December, 2020. On April 7, 2021 the first case of COVID-19 variant B.1.1.7 was reported in Boone County. According to the CDC, this particular variant is associated with increased transmissibility, meaning it can spread more quickly.

24. While significant progress has been made in controlling the spread of COVID 19 within the past year, that progress has plateaued and the number of new cases is increasing slightly. This coupled with the known presence of the more contagious B.1.1.7 strain of the SARS-CoV-2 virus requires the continuation of disease mitigation strategies such as wearing a mask , social distancing, avoiding gatherings, regular handwashing, and staying home when sick combined with the increased vaccine availability and administration. The Director finds that additional time is needed for all individuals to have the opportunity to be vaccinated, particularly those for who became vaccine eligible on April 9, 2021. This protects the health of the community and promotes equity.

Legal Basis of Rules and Regulations

25. 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.

26. Among other authority that may be available under Missouri and United States law, Sec. 11-98 of the City of Columbia Code of Ordinances (“Code”) states:

Whenever the director shall declare that any malignant, infectious or contagious disease is or may become epidemic in the city, or any part thereof, he shall immediately, or as soon thereafter as possible, give notice to that effect to the citizens of the city and the country surrounding the same, and shall also give notice of the rules and regulations adopted by him for the enforcement of quarantine within the city or portion thereof. He shall take such steps and adopt such measures as he may deem necessary to prevent the introduction and spreading of such disease, and to this end he shall have power to quarantine the city against persons coming into or leaving the city during the continuation of such epidemic. Whenever he shall deem it necessary, he shall have the power to forbid and prevent the assembling of congregations of persons within the city and to order and enforce the closing of places of business and amusements.

26. Also, 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.

27. The terms of this Order shall apply to all areas within the corporate limits of the City of Columbia, except as otherwise provided herein.

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 City and enact the following regulations for the City of Columbia 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.

Section 1.02. High Risk Individuals for COVID-19.

“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 cancer; chronic kidney disease; COPD; Down Syndrome; heart conditions, such as heart failure, coronary artery disease or cardiomyopathies; immunocompromised states from solid organ transplant; obesity and severe obesity; pregnancy; sickle cell disease; smoking; and Type 2 diabetes mellitus; AND

has not been vaccinated with a vaccine for COVID-19 approved by the CDC.

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. Wearing a cloth face covering is required in public settings where other social distancing measures are difficult to maintain.

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 age of 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. Exceptions to the Face Mask Requirement shall exist for the following:

- (a) Persons engaged in an otherwise authorized sporting or exercise activity;
- (b) Persons eating or drinking while 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);
- (c) 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 that is not a member of such person’s household;
- (d) Temporary removal is authorized for persons receiving a personal or medical service, at the request of law enforcement, or when otherwise required to confirm the individual’s identity.

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

All businesses and institutions open to the public and not otherwise specifically addressed in this Order may operate provided individuals maintain Social Distancing Requirements and/or meet Face Mask Requirements. 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, staffed conference centers, staffed 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.).

All business establishments are strongly encouraged to operate at a capacity less than otherwise permitted to assure that customers and staff may maintain proper social distancing within the establishment, and to provide services remotely or in a manner maximizing social distancing (e.g., curbside pickup, delivery, etc.) as much as practicable. Large group gatherings or events held at a business or institution open to the public are encouraged to maintain a contact list of those in attendance for case investigation and contact tracing purposes.

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/or comply with Face Mask Requirements. 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 serving alcohol may resume normal operating hours, subject to the operational requirements set forth in this order.

During operating hours, tables shall be positioned so that Social Distancing Requirements between tables/groups of patrons is achieved. All patrons are required to be seated at all times when not entering/exiting the business, visiting a restroom facility or moving about the premises for a similar authorized purpose. A face mask is required to be worn by any patron when such patron is not seated at a table.

Bar service and buffet service shall be allowed provided that Social Distancing Requirements and Face Mask Requirements are observed by patrons. Any patron visiting the bar, buffet or otherwise moving about the premises is required to wear a face mask at all times.

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 tables 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 during normal operating hours and shall limit occupancy so that Social Distancing Requirements and Face Mask Requirements are maintained. Such venues are also subject to the following additional minimum requirements:

- (a) Dance floors at entertainment venues shall be closed for dancing.
- (b) All food and beverage at an entertainment venue must be consumed by patrons while seated.
- (c) Social Distancing Requirements between tables shall be maintained.
- (d) Any person at an entertainment venue who is not seated must comply with Face Mask Requirements.

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, a limit on occupancy is encouraged to be maintained by the venue. All individuals age ten (10) and over shall comply with Face Mask Requirements.

Section 1.09. Childcare services, day camps and child entertainment facilities.

Childcare, day camps, and other similar providers may operate and are encouraged to 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 Face Mask Requirements, and operate using the following guidelines:

- (a) 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) Carry out childcare and day camps in stable groups (“Stable” means the same group of children are, to the greatest extent possible, in the same group each day);
- (c) Not rotate children 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 should be in a separate room and groups should not mix with each other throughout the day; and
- (e) Childcare and day camp providers should remain solely with one group of children in the same day, and providers should remain separated at all times

(no breaks or off time together).

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 and comply with Face Mask Requirements except when necessary to provide services for which social distancing or a face mask are not possible (ex. - upper lip wax, make-up application, hair removal, etc.). Social Distancing Requirements should be observed by customers who are not from the same household in all customer seating and treatment/service areas. All such businesses shall require employees to wear a face mask while providing services for which physical distancing is not possible.

Section 1.11. Pools.

Pools shall limit occupancy to ensure Social Distancing Requirements may be maintained.

Section 1.12. Sports and Sporting Events.

Sports and activities are permitted. Organizers are encouraged to conduct activities in stable groups. Social Distancing Requirements and Face Mask Requirements must be met for all spectators.

Such provisions shall not apply to any facilities owned or operated by the University of Missouri, which is an instrumentality of the state of Missouri 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 spray grounds.

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/or Face Mask Requirements and shall be cognizant of the need to wash hands before and after use.

Section 1.14. Limitation on other public gatherings.

Social Distancing Requirements and Face Mask Requirements must be observed at all other intentional gatherings. Public gatherings of more than 250 people shall submit an Operational Plan for approval by the Health Director pursuant to Section 1.18.

Section 1.15. Limitation for High-Risk Individuals.

High Risk Individuals are encouraged to continue to stay at home unless fully vaccinated against COVID-19. High Risk Individuals who are unable to be vaccinated and 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-20-39-nh-revised.pdf>.

Section 1.17. Work from Home Encouraged.

All employees who are unable to be vaccinated and 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, event 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, 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 contained 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; and
- (e) Facilities owned or operated by the University of Missouri.

Section 1.20. **Enforcement.**

Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. In addition to the criminal enforcement authority of the Prosecuting Attorney, the City Counselor is delegated the authority to take appropriate actions with respect to any person or business that has failed to comply or attempted to fail to comply with this Order, as the City Counselor may deem appropriate to ensure compliance with this Order, to address non-compliance, or to deter non-compliance by others. The City Counselor may also seek emergency injunctive or other civil relief as the City Counselor deems appropriate. Any action by the City Counselor, if taken after consulting the Health Director, shall be considered an emergency proceeding that is necessary to protect the public health and safety.

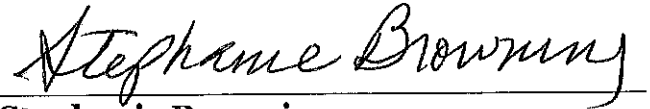
Every restaurant, bar or other food establishment is hereby provided notice that the failure to comply with the requirements of this order shall also be deemed a circumstance that may endanger public health and an imminent health hazard in violation of the food code. An establishment found to have an imminent health hazard may have its operating permit suspended or otherwise be issued a closing order by the Director. Such action 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.**

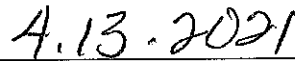
If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end,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

This Order supersedes and replaces all prior orders and shall be **effective at 12:00 p.m. (noon) on April 14, 2021 and will expire at 11:59 a.m. on May 12, 2021 unless extended, rescinded or modified prior to such expiration.**

So Ordered.

A handwritten signature in black ink that reads "Stephanie Browning". The signature is written in a cursive style and is positioned above a horizontal line.

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

A handwritten date in black ink that reads "4.13.2021". The date is written in a cursive style and is positioned above a horizontal line.

Date