

**SOUTH CENTRAL PUBLIC HEALTH DISTRICT PUBLIC HEALTH ORDER
NO. 2020-01**

**A PUBLIC HEALTH ORDER OF THE BOARD OF HEALTH OF SOUTH CENTRAL
PUBLIC HEALTH DISTRICT ESTABLISHING STANDARDS FOR FACE COVERINGS
FOR INDIVIDUALS WHEN THEY ARE IN PUBLIC PLACES, PROVIDING
PENALTIES FOR VIOLATIONS, PROVIDING A STATEMENT OF EMERGENCY,
AND PROVIDING AN EFFECTIVE DATE AND REPEAL REQUIREMENT**

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other through respiratory droplets; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern; and

WHEREAS, the CDC reports that people are most contagious when they are most symptomatic (the sickest) however some spread might be possible before people show symptoms although that is not the main way the virus spreads; and

WHEREAS, on March 13, 2020, Idaho Governor Brad Little signed a declaration of emergency for the State of Idaho in response to concerns that cases of COVID-19 are imminent in Idaho; and

WHEREAS, on March 25, 2020, Idaho Governor Brad Little issued a proclamation declaring a state of extreme emergency for the State of Idaho due to incidences of community spread, increasing occurrence, and the threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, on October 27, 2020, Idaho Governor Brad Little issued a Stage 3 Stay Healthy Order for all of Idaho; and

WHEREAS, as of November 10, 2020, Idaho was reporting 74,227 total confirmed and probable cases of COVID-19, and 698 deaths to date; and

WHEREAS, as of November 10, 2020, South Central Public Health District was reporting 11,845 total confirmed and probable cases of COVID-19, including 226 new cases on November 9, 2020, and 112 deaths to date, throughout the Health District; and

WHEREAS, those disaster declarations were followed by several emergency state orders that curtailed travel, businesses, trades, and activities in order to slow the spread of the COVID-19 virus in South Central Public Health District; and

WHEREAS, infection rates in Idaho have significantly increased in urban areas in recent weeks, and have significantly increased in South Central Public Health District; and

WHEREAS, the increase in infections has caused a significant increase in hospitalizations and usage of intensive care unit (ICU) beds and ventilators in the local hospitals; and

WHEREAS, the surge in COVID-19 cases in the region has adversely impacted the local hospitals' capacity and the local hospitals' ability to provide adequate medical care to citizens in the South Central Public Health District due to the lack available staffed hospital beds, ICU beds, ventilators, and lack of health care workers; and

WHEREAS, during the past two weeks, the South Central Public Health District's regional hospital, St. Luke's Magic Valley, was required to divert and/or turn away patients multiple times because it had no available hospital beds; and

WHEREAS, hospitals in the neighboring state Utah are at capacity and no longer accept hospital patients from Idaho; and

WHEREAS, the epidemiological investigation and contact tracing capacity - staffing and infrastructure - at South Central Public Health District are overwhelmed by the recent surge of cases. The district is no longer able to notify close contacts in a timely manner to prevent further spread and infection of the coronavirus; and

WHEREAS, the risk of community spread throughout South Central Public Health District imperils public health by the person-to-person spread of COVID-19, and it is therefore necessary to reduce opportunities for the person-to-person transmission of COVID-19; and

WHEREAS, the CDC recommends that people wear face coverings in public, especially when other social distancing measures are difficult to maintain; and

WHEREAS, wearing face coverings is an effective, inexpensive, and simple method of lessening community spread of the COVID-19 virus; and

WHEREAS, there is a continuing and urgent need to protect all residents, employees and visitors in the South Central Public Health District from the risks relating to the COVID-19 pandemic through the protection provided by wearing facial coverings;

WHEREAS, Idaho Code Section 39-414 provides that the district board of health shall have the power to do all things required for the preservation and protection of public health and preventative health;

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF HEALTH OF SOUTH CENTRAL PUBLIC HEALTH DISTRICT IDAHO:

Section 1. MANDATORY FACE COVERINGS.

Every person shall wear a face covering that completely covers the person's nose and mouth when the person is in a public place, and others are present, and social distancing of at least six feet cannot be maintained. For purposes of this Order:

- a. "Public place" means any place, indoor or outdoor, that is open to the public and includes, but is not limited to, businesses or other establishments where people assemble and interact, or members of the general public may enter.

Section 2. EXCEPTIONS

Facial coverings are not required to be worn under the following circumstances:

- a. Children under the age of 5. Parents or guardians are responsible for ensuring that children over the age of 5 years but under the age of 18 years wear appropriate face coverings.
- b. Persons with medical conditions that prevent them from wearing a face covering.
- c. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- d. Persons, including on-duty law-enforcement officers, for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- e. Persons obtaining a service involving the nose, face, or head for which temporary removal of the face covering is necessary to perform the service.
- f. Persons eating or drinking at a restaurant or other establishment that offers food or beverage service, so long as they engage in social distancing from persons who are not members of the same household or party as the person.
- g. Persons engaged in outdoor activities, work, recreation, or exercise, so long as they engage in social distancing.
- h. Persons engaged in indoor exercises, so long as they engage in social distancing.

- i. Persons participating in court proceedings where the presiding judge authorizes the facial covering to be removed.
- j. Youth or adult athletes actively competing in a sporting event.
- k. Persons participating in Educational Activities involving students taught by an educator at a school if facial coverings are not required by the school.
- l. Persons participating in religious activities if facial coverings are not required by the religious organization.

Section 3. PENALTIES

It is the overall desire and request of the Board of Health of South Central Public Health District that law enforcement educate the public about this Order and its purpose and ensure compliance with this Order. Per Idaho Code § 39-419(2), any person who violates any provision of this Order shall be guilty of a misdemeanor, punishable by a fine of \$300, or imprisonment of six months in the county jail.

Section 4. SEVERABILITY

If any provision of this Order or its application to any person or circumstance is held to be invalid, 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.

Section 4. EMERGENCY, EFFECTIVE DATE AND REPEAL

The Board of Health hereby finds that an impending danger exists due to the spread of a contagious disease, resulting in an emergency necessitating the immediate operation of this Order upon its passage. All counties and each city within must promptly provide copies of the Order as follows: (1) by posting the Order on their websites, (2) by posting the Order at the county courthouse and each city hall, and (3) by providing a copy to any member of the public requesting it. The Order will also be posted on the website of South Central Public Health District. This Order shall become effective immediately, and it will be reevaluated after 60 days.

Regularly passed, approved and adopted by the Board of Health on the 12th day of November, 2020.

BOARD OF HEALTH OF SOUTH CENTRAL
PUBLIC HEALTH DISTRICT

Linda F. Montgomery, Chair

ATTEST:

Melody Bowyer, Board Secretary

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