

**St. Louis County Department of Public Health
2019 Novel Coronavirus (“COVID-19”)
Second Amended Order Requiring Members of the Public and
Employees to Wear Face Coverings**

I. Background

The St. Louis County Department of Public Health (“DPH”) has been closely monitoring the global pandemic caused by a viral respiratory illness called COVID-19. Infections with COVID-19 have been reported around the world. The first confirmed instance of person-to-person spread of the virus in the United States was reported on January 30, 2020. The first confirmed instance of COVID-19 in St. Louis County was reported on March 7, 2020. A state of emergency was declared in St. Louis County on March 13, 2020, resulting in several executive orders and DPH orders, policies, and rules to implement those executive orders.

COVID-19 is considered an infectious, contagious, communicable, and dangerous disease for purposes of §§ 192.020-1, 192.139, & 192.300, RSMo., 19 CSR 20-20.020, and other state and local laws. The DPH’s Director is the “local health authority” under 19 CSR 20-20.050(1) pursuant to 19 CSR 20-20.010(26), Section 4.130 of the Charter, and Section 600.010 SLCRO, and has been delegated the authority to act on St. Louis County’s behalf for the public health purposes described in § 192.300, RSMo.

An ample body of evidence now suggests that COVID-19 can be spread by those who are asymptomatic or pre-symptomatic. Substantial scientific evidence also shows that the use of Face Coverings are an effective method to decrease the transmission of COVID-19. Accordingly, DPH initially ordered, effective July 3, the wearing of Face Coverings when outside of an individual’s residence and in any place of public accommodation.

Given significant increases in community transmission of COVID-19, this order has been updated to require Face Coverings whenever an individual is interacting with someone outside of their own household. Gatherings with people outside of the household in any public or private space is a high-risk activity, a frequent source of transmission, and is not encouraged. The use of Face Coverings in these small gatherings is effective at reducing the risk of transmission. This order also requires those in attendance at gyms or other fitness facilities to wear Face Coverings at all times.

The guidelines accompanying this order provide clear guidance for when to wear a Face Covering.

II. Purpose

The intent of this Order is to institute standards for the requirement to use Face Coverings when outside of the home, when interacting with someone outside of the household, or in a place of public accommodation, including children in school settings. This order is in alignment with current evidence and with the goal to ensure people protect themselves and others, particularly those who are vulnerable to poorer outcomes related to COVID-19 infection.

III. Policies

1. Face Coverings must be worn by:

- a. All persons over the age of 5, including employees or visitors present at any Business or public accommodation, indoor or outdoor;
- b. All persons over the age of 5 outdoors in a public space when anyone other than members of their household or living unit will be within six feet; and
- c. All persons over the age of 5 attending a Gathering of individuals who are not members of their household;
- d. All students attending a K-12 educational institution, whether private or public, with the allowances provided in Paragraph 3 of Section III. This requirement does not apply to students with disabilities, mental health conditions, or sensory concerns who are receiving special educational accommodations where adaptations and alternatives to Face Coverings can be implemented or are impractical;
- e. All persons working out at a gym or other fitness facility; and
- f. All athletes participating in a sporting event while not actively playing.

2. Those not subject to this requirement include:

- a. Children under the age of 2;
- b. Children between the ages of 3-5 who are strongly encouraged, but not required, to wear a Face Covering while under the direct supervision of an adult;
- c. Persons with health conditions that prohibit wearing a Face Covering. Nothing in this Order shall require the use of a Face Covering by any person for whom doing so would be contrary to their health or safety because of a medical condition;
- d. Persons who have trouble breathing, or are unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance;
- e. Persons who are hearing impaired, or someone who is communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;

- f. Persons who are at a place of Public Accommodation who are consuming food or drink while maintaining Social Distancing Requirements from other patrons;
 - g. Persons who are at a public pool while in the water;
 - h. Persons who are obtaining a service involving the nose or face for which temporary removal of the Face Covering is necessary to perform the service; and
 - i. Persons playing a sport or exercising alone while involved in vigorous activity.
3. Students attending grades K-12 may be allowed to remove their Face Covering in the following situations:
 - a. While at recess or in physical education class, as long as students are at least 6 feet apart;
 - b. While participating in band, choir, or music class, as long as students are at least 6 feet apart;
 - c. While consuming food or drink as long as students are at least 6 feet apart; and
 - d. In accordance with DPH's Youth Sport Guidelines while participating in a school sponsored sport.
4. All Businesses and other venues that provide public accommodation must post the requirement that Face Coverings are required for entry and must continuously be worn while present in the business or venue.
5. Businesses must deny entry to members of the public who refuse to wear Face Coverings. A Business shall neither require the individual to produce medical documentation verifying a medical condition or disability, nor ask about the nature of a medical condition or disability. An alternative means to provide the product or service for those who refuse to wear a Face Covering or are medically unable to do so should be offered, if possible. These alternatives include delivery or curbside pickup.
6. All Businesses must follow any additional requirements as determined by general and business-specific operating standards, guidelines and/or protocols published by DPH, including all additional restrictions and requirements for Face Coverings.

IV. Definitions

For purposes of this order, these terms, regardless of whether capitalized, are defined as follows:

1. "Business" or "Businesses" means any for-profit companies, non-profit organizations, benevolent associations, limited liability companies, or partnerships, regardless of legal organization, form, entity, tax-treatment, or structure;

2. "CDC" means the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;
3. "County" means St. Louis County, Missouri;
4. "Disinfection Processes" means the process of destroying pathogenic microorganisms, and in the case of decreasing spread of COVID-19 includes:
 - a. Providing hand washing or sanitizing opportunities for the public where possible;
 - b. Requiring frequent sanitation of high touch areas with products thought to destroy COVID-19. High touch areas include but are not limited to:
 - i. Handrails;
 - ii. Elevator buttons;
 - iii. Door handles;
 - iv. Check-out areas, including keypads, credit card machines and other such systems;
 - v. Carts and baskets;
 - vi. Restrooms; and
 - vii. Shared computers or kiosks
5. "Face Coverings" for the purpose of this order, means a device, usually made of cloth, that covers the nose and mouth. Consistent with current CDC guidelines, face coverings prevent those who may have COVID-19 from spreading it to others. Cloth face coverings are recommended for the general public over surgical or N95 respirators which should be reserved for medical professionals and first responders. Nothing in this Order should prevent workers or customers from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the business otherwise provides their workers with such equipment due to the nature of the work involved.
6. "Gathering" or "gatherings" means people coming together as a group, whether formal or informal, whether public or private and whether indoor or outdoor.
7. "Public Accommodation" means Businesses or other facilities, both public and private, indoor and outdoor, used by the public, including, but not limited to, grocery and other retail stores, service establishments, educational institutions, entertainment and recreational facilities, concert venues, museums, bowling alleys, amusement parks, fairs, arts and craft facilities, zoos, public and private social clubs.
8. "Public Transit" is considered a Public Accommodation under this order and includes businesses that provide transportation services, including but not limited to buses, light rail, rail, airlines, taxis, transportation network providers, livery services, vehicle rental services, ride shares and other private transportation providers, as well as the waiting areas for those businesses.

9. "Social Distancing Requirements" means, to the extent possible, maintaining at least six-foot 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; not shaking hands; and behaviors as otherwise defined by order.

V. Application and Enforcement

1. This Order replaces and supersedes DPH's "Order Requiring Members of the Public and Employees to Wear Face Coverings," dated August 21, 2020, and effective August 24, 2020. This Amended Order modifies and/or replaces any provisions of any Order by the Department of Public Health and general and business-specific operating standards, guidelines and/or protocols published by DPH pertaining to requirements for Face Coverings that is in conflict with or is in anyway inconsistent with any provision this Amended Order. To the extent not otherwise explicitly modified or rescinded in this Amended Order, any order of the Director of the Department of Public Health or any Executive Order remains in effect and this Order shall not supplant, supersede, replace, rescind, amend, or modify any other law, ordinance, rule, regulation, or permit condition or requirement.
2. Failure to comply with a public health order designed to "prevent the entrance of infectious, contagious, communicable or dangerous diseases" into St. Louis County is enforceable and punishable under Missouri law. In accordance with Section 5.030 of the St. Louis County Charter, the St. Louis County Counselor can seek emergency injunctive relief or other civil relief to enforce any provision of this Amended Order. Noncompliance with this Amended Order or the guidelines may also disqualify Businesses from future financial benefits.
3. For information regarding additional precautions and restrictions required by general and business-specific operating standards, guidelines and/or protocols published by DPH, refer to stlcorona.com. Operating standards, guidelines and/or protocols may be amended from time to time to address a change in the trajectory of reported cases of influenza-like illnesses, documented cases of COVID-19, the ability of hospitals to treat patients without crisis care, and any other information deemed relevant to specific Businesses. In the event there is an inconsistency between this order and the general and business-specific operating standards and guidelines published by DPH, this Amended Order shall govern.
4. All Individuals and Businesses must cooperate with DPH when DPH is conducting contact investigations, complying with all requests and requirements, including, but not limited to, notifications to employees or volunteers regarding possible exposure to a person who has tested positive for COVID-19, and

providing names and contact information of those employees or volunteers.

5. In addition to other civil and criminal penalties that may be sought, DPH may enforce this Amended Order. In accordance with 19 CSR 20-20.040 DPH has the authority to establish appropriate control measures to prevent or control the spread of an infectious disease, including isolation, quarantine, disinfection, and closure of establishments in the interest of public health. In accordance with 19 CSR 20-20.040, DPH has the authority to deem a Business, Businesses comprising a certain industry, geographic areas or the County as a whole to be unsafe and order such Business, Businesses comprising a certain industry, or Businesses in a geographic area, to cease operations or to close to prevent additional transmission. If DPH closes a Business in accordance with such authority, that Business will have the opportunity to be heard by the Director of DPH. In exercising its authority under 19 CSR 20-20.040, DPH will proceed with closures and enforcement actions including:
 - a. At the individual level, including isolation and quarantine of cases, family members and close contacts;
 - b. At the business level by location of transmission;
 - c. At the industry/sector level if businesses in that industry are found to be particularly associated with transmission;
 - d. By geographic area or location with significant outbreaks or clusters of cases;
 - e. Through closure at the County level.

VI. Effective Date

This Order is signed November 12, 2020, shall become effective on November 17, 2020 and shall remain in effect until rescinded or amended, which shall occur at the earliest possible date as is appropriate based upon data regarding COVID-19 transmission rates and the protection of public health.

VII. Savings Clause

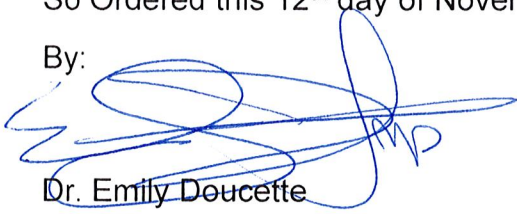
If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end,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

VIII. Authorization

This Amended Order is authorized pursuant to Executive Orders 10 through 18, which are incorporated herein by reference, and to Missouri and St. Louis County law, including the Missouri Constitution, §§ 192.006, 192.200 and 192.300, RSMo., Chapter 44 RSMo., 19 CSR 20-20.040 and 19 CSR 20-20.050 of the Rules of the Department of Health and Senior Services, the St. Louis County Charter and the St. Louis County Revised Ordinances.

So Ordered this 12th day of November 2020.

By:

A handwritten signature in blue ink, appearing to be 'EMD', is written over the text 'By:' and partially over the name 'Dr. Emily Doucette'.

Dr. Emily Doucette
Acting Director
Chief Medical Officer
St. Louis County Department of Public Health