

**Emergency Face Covering Order**  
**Cape Girardeau County Public Health Center**  
**Cape Girardeau County, Missouri**  
**Order No. 20-03**

**1.00 Background**

The Cape Girardeau County Public Health Center 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 Cape Girardeau County was reported on March 6, 2020. A state of public health emergency was declared in Cape Girardeau County on March 27, 2020.

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 Cape Girardeau County Public Health Center's Director is the "local health authority" under 19 CSR 20-20.050(1) pursuant to 19 CSR 20-20.010(26).

The collective efforts of Cape Girardeau County, surrounding jurisdictions, and many regional partners to increase access to testing, educate the public, perform case investigations and monitoring, and focus on the protection of the most vulnerable residents have failed to reduce rates of transmission and hospitalizations in Cape Girardeau County. The danger to the health and welfare of the community continues.

The Centers for Disease Control and Prevention of the United States Department of Health and Human Services continues to study the spread of COVID-19 and has determined that COVID-19 can be spread by those who are asymptomatic or pre-symptomatic. The virus can spread between people interacting in close proximity, even if they do not exhibit symptoms.

Substantial scientific evidence shows that one of the most effective protections to decrease the transmission of COVID-19 as people continue to interact more in person is to increase the use of face coverings.

Accordingly, this Emergency Order requires people to wear face coverings when in any public space.

**1.01 Applicability.**

The provisions of this Order are applicable to Cape Girardeau County pursuant to the authority of Missouri Revised Statute 192.300. Nothing in this Order is to be construed to supersede the Rules and Regulations of the Missouri Department of Health and Senior Services.

**1.02 Definitions.**

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

"Board" means the Cape Girardeau County Public Health Center Board of Trustees.

"Business" means any for-profit company, non-profit organization, benevolent association, limited liability company, or partnership, regardless of legal organization, firm, entity, tax-treatment, or structure recognized in the State of Missouri.

"CDC" means the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

"County" means Cape Girardeau County, Missouri.

"Covid-19" is an illness due to an infection with SARS CoV-2, a novel Coronavirus.

"Department" means the Missouri Department of Health and Senior Services.

"Face Coverings" for the purpose of this Order, means a device, usually made of cloth which 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.

"Gathering" or "Gatherings" means people coming together as a group, whether formal or informal, whether public or private, and whether indoor or outdoor.

"Local Health Authority" is the Board of Health or when applicable, the Director of the Cape Girardeau County Public Health Center. The Director may delegate duties and powers under this Order to the Director's employees or agents.

"Public Spaces" means businesses or other workplace 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, places of worship, or public facilities.

"Public Transit" is considered a public space 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, rideshares, and other private transportation providers, as well as the waiting areas for those businesses.

"Social Distancing Requirements" means, to the extent possible, maintaining at least a six-foot physical distance from other individuals;

### **1.03 Purpose.**

This Order intends to institute standards for the requirement of face coverings when in a public space, with the goal to ensure people protect themselves and others, particularly those who are

vulnerable to poorer outcomes related to COVID-19 infection. As face-to-face interactions increase, and as scientific evidence indicates COVID-19 is spread by asymptomatic and pre-symptomatic individuals, it is critical that all individuals wear face coverings in public spaces.

#### 1.04 Provisions.

1. Face coverings must be worn by:

- a. All persons over the age of 9, including employees or visitors, present at any Business or Public Space; or
- b. All persons over the age of 9 when outdoors in a public space when anyone other than members of their household or living unit will be within six feet; or
- c. All persons over the age of 9 attending a gathering of individuals who are not members of their household in any area, which will necessarily involve close contact or proximity to others when six feet of separation is not feasible. This restriction does not apply to gatherings of individuals at personal residences.

2. Those not subject to this requirement include:

- a. Children under the age of 3;
- b. Children between the ages of 3-9 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 business or public space who are consuming food or drink while adequately distanced from other patrons and staff;
- 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;
- j. Persons exercising or using exercise equipment where participants are at least 6 feet apart.

3. All businesses and other entities that provide a public space must post the requirement that face coverings are required for entry and must continuously be worn while present in the business or on the premises unless excepted above.
4. Businesses are authorized to 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.
5. All businesses must follow any additional requirements as determined by general and business-specific operating standards, guidelines and/or protocols published by OSHA, NIOSH, CDC, or other federal or state agencies.

#### **1.05 Application and Enforcement.**

Failure to comply with a public health order designed to "prevent the entrance of infectious, contagious, communicable or dangerous diseases" into Cape Girardeau County is enforceable and punishable under Missouri law. The Cape Girardeau County Prosecuting Attorney can seek emergency injunctive relief or other civil relief to enforce any provision of this Order. Noncompliance with this Order may also disqualify businesses from future financial benefits.

In addition to other civil and criminal penalties that may be sought, the Local Health Authority may enforce this Order. In accordance with 19 CSR 20-20.040 and County Ordinance No. 06-01, the Local Health Authority 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 exercising its authority under 19 CSR 20-20.040, the Local Health Authority 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.

The maximum punishment for a violation of this Order that may be imposed for a violation of this Order, which by statute is a class A misdemeanor, is a fine not to exceed one thousand dollars.

#### **1.06 Immunity.**

Neither Cape Girardeau County, nor any political subdivision in the County, nor any local law enforcement agency, nor the Local Health Authority, nor any of the employees, agents, contractors or volunteers assisting these organizations, shall be held responsible for any lost wages, income or other damages due to the requirements imposed hereunder.

**1.07 Effective Date.**

This Order shall be in full force and effect upon adoption. This Emergency Order may be repealed, amended, or rescinded at any time by the Local Health Authority at the direction of the Board of the County Health Department. This Order shall remain in effect until one of the following events occur:

1. The Viral (RT-PCR) Lab Test Positivity Rate for Cape Girardeau County is below 5% for a two-week period, and the rolling 14-day case count of new COVID-19 cases is below 200 for a two-week period. The Emergency Face Covering Order will then be lowered to "strongly recommended." The Order will revert to "required" if the positivity rate goes above 10% for a two-week period, and the rolling case count of new COVID-19 cases goes above 250 for a two-week period.

OR

2. A COVID-19 vaccine becomes widely available to the general public

OR

3. A highly-effective, relatively low-cost COVID-19 therapeutic treatment becomes widely available.

PASSED and APPROVED this 27<sup>th</sup> day of October 2020.



Jane Wernsman, Cape Girardeau County Public Health Center Director



Roland Sander, President, Board of Trustees



John V. Russell MD, Medical Director