

Emergency Face Covering Order
St. Francois County Health Center
St. Francois County, Missouri
Order Number: 20-09-15

1.0 Background

The St. Francois County Health Center has been closely monitoring the global pandemic caused by SARS-CoV-2, which causes the COVID-19 disease. The first confirmed instance of person-to-person spread of this virus in the United State was January 30, 2020. The first case reported in St. Francois County was on March 22, 2020. On March 13, 2020 the President of the United States declared the outbreak of COVID-19 in the United States a national emergency and the Governor of the State of Missouri declared a state of emergency within in the State of Missouri.

COVID-19 is considered an infectious, contagious, communicable, and dangerous disease for the purposes of Missouri State Statutes 192.020-1, 192.139, & 192.300, RSMo. 19 CSR 20.020 and other state laws. The St. Francois County 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 the St. Francois County and surrounding jurisdictions 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 the transmission of the virus and hospitalization rate in St. Francois County. The threat of the virus continues to strain the limits of the local healthcare system.

Substantial scientific evidence shows that face masks reduce disease spread by decreasing the likelihood that infectious respiratory droplets from persons with COVID-19 travel into the air and infect uninfected people.

Accordingly, this Emergency Order requires people to wear face coverings when in public spaces except where exempted in this order.

1.01 Applicability

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

1.02 Definitions

For the purposes of this order, these terms, regardless of capitalization, are defined as follows:

“Board” means the St. Francois County 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, form, 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 St. Francois County, Missouri.

“COVID-19” is an illness caused by the virus 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 with cloth (non-fleece) which covers the nose and mouth. Consistent with current CDC guidelines, face coverings may prevent those who may have COVID-19 from spreading it to others. Cloth face coverings are recommended for use by the general public over surgical and N-95 respirators as those should be reserved for medical professionals and first responders. Nothing in this order should prevent workers or customers from wearing surgical-grade masks or other more protective face covering if the individual is already in possession of such equipment, or if the business provides the equipment due to the nature of their work.

“Gathering(s)” 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 St. Francois County Health Center. The Director may delegate duties and powers of this Order to the Director’s employees or other agents.

“Public spaces” means businesses or other workplace facilities, whether indoor or outdoor, whether private or public, used by the public. This includes, but is not limited to grocery stores, other retail stores, service establishments, educational institutions, entertainment and recreational facilities, concert venues, museums, bowling alleys, amusement parks, fairs, arts and crafts facilities, zoos, public and private social clubs, places of worship, or other 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, ride shares, 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 not in your household.

1.03 Purpose

The intent of this order is to institute standards for the requirement to use 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. As face-to-face interactions increase and as scientific evidence indicates that COVID-19 is spread by asymptomatic and pre-symptomatic individuals, it is crucial that all individuals except when exempted in this order 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 close proximity to other when six feet of separation is not feasible. This restriction does not apply to gatherings of individuals at personal residences.

2. Exemptions:

- a. Children under the age of 9, although children 3-9 are encouraged to utilize face coverings when in the direct supervision of an adult;
- b. Persons with physical or mental health conditions that prohibit wearing a face covering. Nothing in this order shall require the use of a face covering by any person whom doing so would be contrary to their health or safety because of a medical condition;
- c. Persons who have trouble breathing, are unconscious, or incapacitated, or otherwise unable to remove a face covering without assistance;
- d. Persons who are hearing impaired, or someone who is communicating with another person, where the ability to see the mouth is essential for communication. Face shields would be an allowable substitution for these scenarios;

- e. Persons who are at a place of business or public space who are consuming food or drink while adequately distanced from other persons;
 - f. Persons who are at a public pool;
 - g. Person who are obtaining a service for the nose or face for which temporary removal of a face covering is necessary to perform the service;
 - h. Person playing a sport;
 - i. Persons exercising or using exercise equipment so long as participants are six feet apart.
3. All businesses and other entities which 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 premise except where exempted 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 provide medical documentation verifying a medical condition or disability, nor ask about the nature of the 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 agencies.

1.05 Application and Enforcement

Failure to comply with a public health order designed to “prevent the entrance of infectious, contagious, and communicable or dangerous diseases” into St. Francois County is enforceable and punishable under Missouri law. The St. Francois County Prosecuting Attorney can seek emergency injunction 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 Authority may enforce this order. In accordance with 19 CSR 20.040, the Local Health Authority has the authority to establish 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, and close contacts;
- b. At the business level by location of transmission;
- c. At the industry/sector level is 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 St. Francois County, nor any political subdivision in the County, nor any local law enforcement agency, not the Local Health Authority, nor any 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 on adoption. The emergency order may be repealed, amended, or rescinded at any time by the Board of Health. This order shall remain in effect until the October 22, 2020 meeting of the St. Francois County Health Center Board of Trustees, unless extended, superseded, or amended in writing.

PASSED AND APPROVED THIS _____ DAY of _____, 2020.

John Poston
Chairperson
St. Francois County Health Center Board of Trustees

Amber Elliott BSN, RN
Director
St. Francois County Health Center