

## EMERGENCY ORDER OF LOCAL HEALTH OFFICER

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Emergency Public Health Order issued on this 2ND day of July, 2020, to mitigate the spread of the Coronavirus (COVID-19) epidemic in Douglas County, Kansas, pursuant to the authority provided in K.S.A. 65-119 and K.S.A. 65-129b and other applicable laws or regulations.

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WHEREAS, the Local Health Officer is authorized and required, pursuant to K.S.A. 65-119 and K.S.A. 65-129b to immediately exercise and maintain a supervision over known or suspected cases of any infectious or contagious disease during its continuance, and to issue orders seeing that all such cases are properly handled and that the provisions of the Kansas public health laws as to isolation, quarantine and disinfection are duly enforced; and

WHEREAS, the Local Health Officer is appointed by the Douglas County Health Board and is authorized to prohibit public gatherings when necessary for the control of any and all infectious or contagious diseases, pursuant to K.S.A. 65-119; and

WHEREAS on the 12th day of March 2020, the Governor of the State of Kansas, Laura Kelly, found that a disaster had occurred, or the threat thereof was imminent within Douglas County, Kansas as a result of the Coronavirus pandemic (COVID-19) and the confirmed outbreak and person-to-person spread of COVID-19 in the United States, Kansas and Douglas County; and

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, has been confirmed in Kansas and in Douglas County, resulting in serious illness and at least one death to date in Kansas; and

WHEREAS, such conditions endanger health, safety and welfare of persons and property within the border of Douglas County, Kansas; and

WHEREAS, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC), the Kansas Department of Health and Environment (KDHE) and the Douglas County Local Health Officer, all recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in smaller gatherings; and

WHEREAS, the worldwide outbreak of COVID-19 and the resulting epidemic in Kansas and Douglas County continue to threaten the life and health of our citizens and visitors as well as the economy and remains a public disaster affecting life, health, property and the public peace; and

WHEREAS, the Governor of the State of Kansas, Laura Kelly, announced that Kansas will follow “Ad Astra: A Plan to Reopen KANSAS” which began the process of safely, strategically, and incrementally reopening business and facilitating economic recovery of Kansas while still mitigating the spread of COVID-19; and

WHEREAS, the Governor of the State of Kansas, Laura Kelly, issued Executive Order 20-34 to implement Phase 2 of her Ad Astra Plan; and

WHEREAS, Executive Order 20-34 expired at 11:59 p.m. on May 26<sup>th</sup>, 2020; and

WHEREAS, the Governor of the State of Kansas, Laura Kelly, has encouraged all counties to follow her Ad Astra plan and continue Phase 3; and

WHEREAS, the Local Health Officer believes continuation of the Governor's Plan is necessary to contain the virus and hereby adopts Phase 3 of the Governor's Plan herein.

NOW, THEREFORE, BE IT ORDERED by the Local Health Officer, pursuant to the above authorities, that:

1. Mass Gatherings:

a. Mass gatherings of more than 45 individuals are prohibited.

- i. Mass gatherings are defined as instances in which individuals are in one location and are unable to maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.

2. Guidance for Individuals: Individuals are strongly encouraged to follow guidance contained in the Governor's Ad Astra plan.

3. Guidance for Employers/Businesses: Employers and businesses are strongly encouraged to follow guidance contained in the Governor's Ad Astra plan.

4. Business Restrictions:

a. All businesses not prohibited in subparagraph 4.c below can open if they comply with the following:

- i. Maintain at least 6 feet of distance between customers or groups of customers;
  - 1. Restaurants or dining establishments may meet this requirement by using physical barriers sufficient to prevent virus spread between seated customers or groups of seated customers;
- ii. Follow fundamental cleaning and public health practices detailed on [covid.ks.gov](https://www.covid.ks.gov); and
- iii. Avoid any instances in which groups of more than 45 individuals are in one location and unable to maintain a 6-foot distance with only infrequent or incidental moments of closer proximity. This does not limit the total occupancy of a business, but requires that business to limit mass gatherings in areas and instances in which physical distancing

cannot be maintained, such as at tables or in entrances, lobbies, break rooms, check-out areas, etc.

- b. All businesses in operation should follow industry-specific guidelines as provided on [covid.ks.gov](https://www.covid.ks.gov). Following any additional best practice guidance from each business sector is strongly encouraged.
- c. The following, unless they are repurposed for use in an essential function under the KEFF as determined by the provisions of paragraph 6 below, shall be closed to the public:
  - i. Bars and night clubs, excluding already operating curbside and carryout services.

5. Education, Activities, and Venue Restrictions:

- a. Educational Facilities:
  - i. K-12 facilities shall have no more than 45 students, instructors, or staff present during normal operations.
  - ii. Higher Education facilities that were closed before May 18 should remain closed for in-person learning or events involving groups larger than 45 individuals present at a time.
  - iii. Licensed childcare facilities may continue operations pursuant to state regulations.
- b. All activities and venues can open if they comply with the following:
  - i. Maintain at least 6-foot distance between individuals or groups (not including individuals who reside together)
  - ii. Follow fundamental cleaning and public health practices (compliance with any additional sector-specific best practice guidance is strongly encouraged.
  - iv. Avoid any instances in which groups of more than 45 individuals are in one location and unable to maintain a 6-foot distance with only infrequent or incidental moments of closer proximity. This does not limit the total occupancy of a business, but requires that business to limit mass gatherings in areas and instances in which physical distancing cannot be maintained, such as at tables or in entrances, lobbies, break rooms, check-out areas, etc.
- c. The following activities or venues may open but only to the extent described in this subparagraph:

- i. In-person commencement or graduation ceremonies may occur with no more than 45 individuals in a room, gymnasium, or facility at one time and only if those 45 individuals maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity. Outdoor drive-through graduation ceremonies during which no more than 45 individuals are in the same area outside of their vehicles at a time (i.e. school administration, graduate, family members, etc.) are allowed. Individuals that remain within an enclosed motor vehicle do not count toward the maximum number of attendees allowed in the same area.
- ii. Community centers may open if they comply with the requirements of paragraph 5.b.
- iii. Recreational, youth or other non-professional organized sports facilities, sports tournaments, sports games, and sports practices may open or occur if they follow guidelines established by the Department of Health and Environment in consultation with the Kansas Recreation & Park Association and posted on covid.ks.gov.

6. Essential Functions:

- a. This order is not meant to significantly disrupt the performance of essential functions. The applicable list of essential function is outlined in the Governor's Executive Order 20-16.
- b. Whether an individual or organization performs an essential function under the KEFF is a decision of the Public Health Officer, however, any individual or organization or business with previous confirmation from the State that it performs an essential function under Executive Order 20-16 will continue to have those functions deemed essential.

7. If any business, facility, or venue involves or operates more than one activity or function, each activity or function must follow any provisions of this order specifically addressing that activity or function.

8. Nothing in this order shall restrict, limit or supersede the Secretary of Health and environment or the Local Health Officer's authority to make isolation, quarantine, or other orders restricting movement as necessary to respond to escalating or worsening conditions.

9. This Order may be supplemented or modified as required for the effective and efficient management and control of the Coronavirus epidemic in the County by further order or direction of the Douglas County Board of Public Health or by the Douglas County Local Health Officer.

10. This order shall become effective as of 12:01 a.m. on July 3, 2020, and remain in force until rescinded or until modified.

IT IS SO ORDERED THIS 2ND DAY OF JULY, 2020

  
Thomas Marcellino MD

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Dr. Thomas Marcellino  
Local Health Officer  
Douglas County, Kansas