

EMERGENCY ORDER OF LOCAL HEALTH OFFICER

Emergency Public Health Order issued on this 4th day of September, 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.

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 Lawrence-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 Local Health Officer believes continuation of some community mitigation strategies is necessary due to the continued influx of new cases in order to allow the resources for contact tracing and exposure notification to be able to address the community spread of the disease and to ensure the capacity of other local resources is adequate to meet the increased need.

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 must comply with the following:

- i. Maintain at least 6 feet of distance between customers or groups of customers (“Social Distancing Requirement”);
 - 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; 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. Following any additional best practice guidance from each business sector is strongly encouraged.

c. In addition to subsection (a) and (b), restaurants and bars with liquor licenses are required to cease serving alcohol at 9:00 pm and shall close their premises, including all outside seating areas or patios, to customers no later than 10:00 pm. Restaurants and bars serving alcohol may conduct carry-out, curbside and off-premises delivery of food items after 10:00 pm. There shall be no carry-out, curbside or off-premises delivery of alcoholic beverages after 9:00 pm. Restaurants that do not serve alcohol are not required to close at 10:00 pm.

- 1. During operating hours, all restaurants and bars serving alcohol are

permitted to operate with no occupancy limitations; provided, however, groups of patrons shall be limited to a maximum of ten (10) persons per table and Social Distancing Requirements between tables/groups of patrons shall be observed.

2. There shall be no buffet service.
 3. Except for carry-out services, there shall be no customers standing at, or congregating at, a bar or counter.
 4. All food and beverage at restaurants and bars at an entertainment venue must be consumed by patrons while seated.
 5. All patrons are required to be seated at all times when not entering/exiting the business or visiting a restroom facility.
 6. A face mask is required to be worn by any patron not seated at a table.
- d. Entertainment Venues shall be defined as an entertainment venue or bar that usually operates late into the night and is generally distinguished from regular bars, pubs or taverns due to having limited tables or no tables, limited or no food service, or by the inclusion of a stage, one or more dance floor areas and/or a DJ booth or other sound system where music or other types of entertainment are utilized for the entertainment of patrons. Entertainment Venues shall include nightclubs, dance halls, and similar businesses, including businesses that are BYOB.

Entertainment Venues are permitted to be open subject to an occupancy limitation of a maximum of one hundred (100) people, provided Social Distancing Requirements and/or Face Mask Requirements are maintained. Such Entertainment Venues are also subject to the following additional minimum requirements:

1. All Entertainment Venues shall cease serving alcohol at 9:00 pm and shall close their premise, including all outside seating areas or patios, to customers no later than 10:00 pm.
2. Dance floors at Entertainment Venues shall be closed for dancing. The owner may repurpose the dance floor for table seating.
3. During operating hours, all Entertainment Venues serving alcohol are permitted to operate within the occupancy limitations above, provided, however, groups of patrons shall be limited to a maximum of ten (10) persons per table and Social Distancing Requirements between tables/groups of patrons shall be observed.
4. There shall be no buffet service.
5. Except for carry-out services, there shall be no customers standing at, or congregating at, a bar or counter.

6. All food and beverage at an Entertainment Venues must be consumed by patrons while seated.
7. All patrons are required to be seated at all times when not entering/exiting the business or visiting a restroom facility.
8. A face mask is required to be worn by any patron not seated at a table.

5. Education, Activities, and Venue Restrictions:

- a. All activities and venues can open if they comply with the following:
 1. Maintain at least 6-foot distance between individuals or groups (not including individuals who reside together).
 2. Follow fundamental cleaning and public health practices (compliance with any additional sector-specific best practice guidance is strongly encouraged).
 3. 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. The following activities or venues may open but only to the extent described in this subparagraph:
 1. Community centers may open if they comply with the requirements of paragraph 4.b.
 2. 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 Lawrence-Douglas County Health Department.

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.
7. Individual Mask Order: Any person in Douglas County shall cover their mouth and nose with a mask or other face covering when they are in the following situations:

- Inside, or in line to enter, any indoor public space;
 - Obtaining services from the healthcare sector in settings, including but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank; Unless directed otherwise by an employee or healthcare provider.
 - Waiting for or riding on public transportation or while in a taxi, private car service, or ride-sharing vehicle;
 - While outdoors in public spaces and unable to maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.
8. Business Mask Order: All businesses or organizations in Douglas County must require all employees, customers, visitors, members, or members of the public to wear a mask or other face covering when:
- Employees are working in any space visited by customers or members of the public, regardless of whether anyone from the public is present at the time;
 - Employees are working in any space where food is prepared or packaged for sale or distribution to others;
 - Employees are working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
 - Customers, members, visitors, or members of the public are in a facility managed by the business or organization; or
 - Employees are in any room or enclosed area where other people (except for individuals who reside together) are present and are unable to maintain a 6-foot distance except for infrequent or incidental moments of closer proximity.
9. Exceptions to Mask Order. The following are exempt from wearing masks or other face coverings in the situations described in paragraphs 1 and 2:
- Persons age five years or under should not wear a face covering because of the risk of suffocation. This is particularly true for children age two years and under;
 - Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering-this includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
 - Persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication;
 - Persons 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;

- 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;
- Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided they maintain a 6-foot distance between individuals (not including individuals who reside together or are seated together) with only infrequent or incidental moments of closer proximity;
- Athletes who are engaged in an organized sports activity that allows athletes to maintain a 6-foot distance from others with only infrequent or incidental moments of closer proximity;
- Persons who are engaged in an activity that a professional or recreational association, regulatory entity, medical association, or other public-health-oriented entity has determined cannot be safely conducted while wearing a mask or other face covering;
- Persons engaged in an activity or event held or managed by the Kansas Legislature;
- Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary; and
- Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.

10. Mask Order Definitions:

- "Mask or other face covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A mask or other face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a mask or other face covering has two or more layers. A mask or other face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.
- "Public space" means any indoor or outdoor space or area that is open to the public; this does not include private residential property or private offices or workspaces that are not open to customers or public visitors.

11. 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.

12. 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 Lawrence-Douglas County Board of Public Health or by the Douglas County Local Health Officer.

13. This order shall become effective as of 12:01 a.m. on September 4, 2020, and remain in force until rescinded or until modified.

IT IS SO ORDERED THIS 4TH DAY OF September, 2020



Thomas Marcellino MD

Dr. Thomas Marcellino
Local Health Officer
Douglas County, Kansas