
**BOARD OF HEALTH
IN AND FOR SOUTHEAST UTAH HEALTH DEPARTMENT
(CARBON COUNTY, EMERY COUNTY, GRAND COUNTY), STATE OF UTAH**

In the matter of:

PUBLIC HEALTH ORDER

COVID-19 Pandemic within Utah

Order No.: SEUHD2020-02

Date: March 16, 2020

Legal Authority: Utah Code §26A-1-114

On January 21, 2020, the Utah Department of Health (“UDOH”) activated its Department Operations Center in response to the evolving COVID-19 global pandemic. The UDOH recognizes COVID-19 as an imminent threat to the health and safety of the residents of the State of Utah (“Utah”). The UDOH, local health departments, and health and medical partners have activated response plans and protocols to minimize the likely community spread of the virus in Utah and its impact on our healthcare resources. These partners have also worked to identify, contact, and test others in Utah potentially exposed to COVID-19 in coordination with the United States Centers for Disease Control and Prevention (“CDC”).

On January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19, beginning on January 27, 2020 and on March 16, 2020, the White House issued recommendations limiting public gatherings to 10 people for the next 15 days.

The CDC has identified the potential public health threat posed by COVID-19 both globally and in the United States as “high,” and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States.

As of March 16, 2020, the CDC indicates that there are over 160,000 confirmed cases of COVID-19 worldwide with over 3,000 of those cases in the United States, including 39 in Utah.

The UDOH recognizes that confirmed community transmission in the United States significantly increases the risk of exposure and infection to the general public within Utah, which creates an extreme public health risk that may spread quickly.

To combat the spread of COVID-19, Utah and various counties and local health departments have each declared local public health emergencies.

The Southeast Utah Health Department (“SEUHD”) Health Officer has found that the above facts, in combination with the tourist nature of Grand County, raise the likelihood of widespread transmission occurring among the general public and the need for the three counties within the jurisdiction of the SEUHD and the public to work cooperatively and proactively to slow the spread of COVID-19 and address any challenges that may arise due to disease transmission and treatment within the SEUHD.

On March 13, 2020 at 4 pm (MST), the Governor dismissed all Utah public schools for two weeks to combat the spread of COVID-19 (the “School Dismissal”). The School Dismissal means that students will not be allowed to attend school, but staff, faculty, and food services personnel will be allowed to be in the school facility.

On March 14, 2020 at 10 am (MST), the Summit County Health Officer and the UDOH State Epidemiologist announced “a new case of COVID-19 that is the first instance of community spread of the disease in Utah. Community spread means spread of an illness for which the source of infection is unknown. In the Summit County case, the patient had no history of travel and no known contact with any person who has been confirmed to have COVID-19 (the “Community Spread”). On March 14, 2020, Deer Valley Resort, Park City Mountain Resort, Park City Resort at the Canyons Village, and Woodward Park City, announced that they would voluntarily suspend operations.

On March 16, 2020, the SEUHD Health Officer declared a Local Public Health Emergency concerning COVID-19.

Utah Code §26A-1-114(1) empowers the local health department to:

...

(b) establish, maintain, and enforce isolation and quarantine, and exercise physical control over property and over individuals as the local health department finds necessary for the protection of the public health;

...

(d) establish and operate reasonable health programs and measures not in conflict with state law which are necessary or desirable for the promotion or protection of the public health and the control of disease; or may be necessary to ameliorate the major risk factors associated with the major causes of injury, sickness, death, and disability in the state; and

...

(e) close theatres, schools, and other public places and prohibit gatherings of people when necessary to protect the public health.

Further, Utah Code §26A-1-114(2)(a) requires the local health department to “establish programs or measures to promote and protect the health and general wellness of the people within the boundaries of the local health department.”

Given the fact that areas within the area are prominent tourist destinations for domestic and international travelers, and have remained prominent destinations during the period of the public health emergency through the present date, and given the heightened risk of further Community Spread through public contacts among visitors, locals, and the service providers in close contact where people gather, with many such contacts having likely occurred, and in consideration of the fact that the healthcare facilities in the area do not have the resources to treat the number of severe cases that could potentially enter the area through visitors, the SEUHD Health Officer has determined that the closure of a wide variety of venues and facilities where members of the public congregate within the SEUHD is critical to minimize Community Spread and to soften the demand curve likely to be placed on healthcare systems, facilities, supplies, and providers in Carbon County, Emery County, and Grand County.

THEREFORE, PURSUANT TO UTAH CODE §26A-1-114 BE IT HEREBY ORDERED BY BRADON C. BRADFORD, MSPH, MPA, REHS, SOUTHEAST UTAH HEALTH DEPARTMENT HEALTH OFFICER, AS FOLLOWS:

Section 1. Restaurants, Bars, and Taverns. Effective at 10 pm (MST) on March 17, 2020, all restaurants, cafes, coffee/tea shops, employee cafeterias, self-serve buffets, salad bars, unpackaged self-serve food services, banquet halls and facilities, supper clubs, bars, pubs, taverns, nightclubs, private liquor clubs, saloons and any other commercial establishments offering dine-in facilities in Carbon, Emery, and Grand Counties shall immediately close to members, guests, patrons, customers, and the general public. Notwithstanding the foregoing, restaurants may operate on a limited basis subject to the following operational restrictions and prohibitions, so long as the restaurant notifies the SEUHD (the “Health Department”) that it intends to operate on a limited basis hereunder and executes a memorandum of understanding with the Health Department:

- Prohibition on all dine-in food service, whether inside or outside the establishment, and prohibition of admitting members, guests, patrons, and customers inside the establishment.
- Curbside take-out or drive-thru food service is permitted. Counter service may be permitted in a convenience store provided the convenience store serves one customer at

a time and the counter is sanitized in between transactions. Cash payments are strongly discouraged. Staff who take cash or credit card payments shall use cleansing measures between each transaction, including using any best practices issued by the Health Department. Where possible, on-line (e.g.; *Venmo*, *Squarecash*, *Googlepay*, and similar payment apps) and telephonic credit card transactions are highly encouraged. Staff who handle cash or credit cards shall not be involved in the preparation, handling, or delivery of food.

- Employees must take food items to the curb and give the items to members, guests, patrons, and customers through the car window.
- For hotel restaurants, food items may only be delivered as room service or curbside service as described above.
- Third party food delivery services (i.e. *Uber Eats*, *Door Dash*, etc.) are required to observe “no contact delivery” which means these services cannot have person to person contact. All employees of such services must not engage in any delivery services if they present any symptoms of illness (fever, cough, shortness of breath).
- Management shall and must ensure, on a daily basis, that no employee who presents symptoms of illness will be permitted to work.

Due to the evolving situation with the potential spread of the COVID-19 virus, violations of these operational restrictions shall result in the immediate closure of individual businesses and establishments to all business activity. Businesses found to be in violation will not be re-opened pending a rescission of this and any subsequent Public Health Order with respect to COVID-19.

Section 2. Movie, Cinematic, and Live Performance Theatres and Venues. Effective at 10 p.m. (MST) on March 17, 2020, all movie, cinematic, and live performance theatres, and all dance clubs, music clubs, discotheques, and performance venues in Carbon, Emery, and Grand Counties, shall be closed to members, guests, patrons, and the general public.

Section 3. Overnight Lodging. Effective at 10 pm (MST) on March 17, 2020, all overnight and short-term lodging facilities (including but not limited to hotels, motels, condos, townhomes, guest homes, RV parks, and all camping on public or private lands) within Carbon, Emery, and Grand Counties may only check-in, rent, or lease to Essential Visitors and Primary Residents. Essential Visitors and Primary Residents may utilize public lands for primitive camping purposes. No camp shall be located within 200 yards of another camp and no camp shall consist of more than 10 people. An Essential Visitor is any individual renting lodging or camping for an amount of time less than 30 days for the purposes of work within Carbon, Emery, and Grand Counties, or for an employer within the boundaries of Carbon, Emery, and Grand Counties, and

their spouse and dependents. Primary Residents are any individuals renting lodging for periods of 30 days or greater or whose primary address is within one of the counties. All communal pools, hot tubs, locker rooms, saunas, steam rooms, fitness centers, gyms, and spas shall be closed to members, guests, patrons, and the general public. For the purposes of this order, the term “communal” applies to all overnight and short-term lodging facilities. For Essential Visitors and Primary Residents, management shall implement social distancing measures in lobbies and communal areas of an establishment, including lines for front desk and concierge, and cleansing measures between each transaction for staff who have to handle cash and credit cards at check-in. Management shall post signage approved by the CDC which advises members, guests and patrons of COVID-19 protocols.

Section 4. Public Gathering Places. Effective at 10 pm (MST) on March 17, 2020, all museums, gyms, exercise studios, spas, fitness centers, health clubs, indoor recreational facilities, and all entertainment venues, including without limitation music performance venues, live stage performances, and lectures, located within Carbon, Emery, and Grand Counties shall be closed to members, guests, patrons, and the general public. Churches, and private clubs and lodges that do not sell or serve alcohol or food during the duration of this order, are exempt from this order. For the purposes of this Order, a private club or lodge shall be deemed to be any organization that sets its own terms of admittance into membership and access into club facilities. Churches and private clubs are encouraged to limit and restrict their functions and the gatherings of their members to adhere to this Order.

Section 5. General Protocols for All Businesses. Effective immediately, all commercial establishments shall comply with the following regulations:

- Implement social distancing (six feet) measures in communal areas of the establishment.
- Staff who have to take cash or credit cards are encouraged to use cleansing measures, including best practices issued by the CDC, between transactions. Cash transactions are discouraged, but not prohibited.
- Management must ensure, on a daily basis, that no employee who presents symptoms of illness will be permitted to work.
- Members, guests, patrons, or customers who present symptoms of illness shall be excluded from the establishment.
- Management shall post signage approved by the CDC which advises patrons of COVID-19 protocols.

Section 6. Mass Gathering Permits. The SEUHD shall not approve any new mass gathering permits for the duration of this Order.

Section 7. General Prohibitions. Effective immediately, the following prohibitions shall apply throughout Carbon, Emery, and Grand Counties:

- No public gatherings over ten (10) people shall be held. Weddings, funerals, wakes, viewings and events sponsored by churches and private clubs which do not sell or serve alcohol or food shall be exempted from this Order.
- Access to long-term care facilities shall be governed by the guidance issued by the Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality.

Section 8. Duration. This Order shall expire in thirty (30) days unless renewed or terminated early. The SEUHD Health Officer shall re-evaluate this Order in fourteen (14) calendar days.

Section 9. Travel Advisory. Effective beginning Tuesday, March 17, 2020, SEUHD is strongly advising all residents of Carbon, Emery, and Grand counties to strongly reconsider any recreational, leisure, or non-essential work-related travel that will take them outside of our communities. This advisory is an effort to slow the spread of COVID-19 throughout the state and decrease its impact on our local population.

Although we currently have no confirmed cases of COVID-19 in SEUHD's jurisdiction, with cases continuing to be identified throughout the state (39 cases statewide as of Monday, March 16, 2020) as well as cases identified in Colorado and Wyoming, Carbon, Emery, and Grand Counties are surrounded by virus activity. Additionally, SEUHD requests that visitors that are not here on essential business return to their home and non-essential visitors planning to come to Carbon, Emery, and Grand counties reconsider their plans and remain near their home.

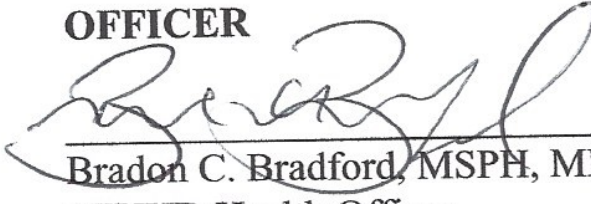
Section 10. Publication. This Order shall be on file for public inspection with the SEUHD.

Section 11. Appeal. This Order may be appealed in writing to the SEUHD within ten (10) calendar days of its Effective Date.

Section 12. Violations. An initial violation of this Order is punishable as a Class B Misdemeanor. Subsequent violations are punishable as Class A Misdemeanors. Each day of violation constitutes a separate offense (Utah Code §26A-1-123(1)(a)).

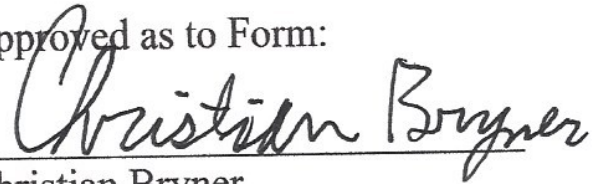
Effective Date: March 17, 2020

BY ORDER OF THE SOUTHEAST UTAH HEALTH DEPARTMENT HEALTH OFFICER



Bradon C. Bradford, MSPH, MPA, REHS
SEUHD Health Officer

Approved as to Form:



Christian Bryner
SEUHD Attorney