State of Utah

GARY R HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Utah Department of Health
Executive Director's Office

Joseph K. Miner, M.D., M.S.P.H., F.A.C.P.M.
Executive Director

Marc E. Babitz, M.D.
Deputy Director

Nate Checketts
Deputy Director
Director, Medicaid and Health Financing

STATE PUBLIC HEALTH ORDER

WHEREAS, on March 6, 2020, Governor Gary R. Herbert issued Executive Order 2020-1, declaring a state of emergency due to novel coronavirus disease 2019 (COVID-19);

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States issued the Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak;

WHEREAS, COVID-19 is caused by a virus that spreads easily from person to person, may result in serious illness or death, and has been characterized by the World Health Organization as a worldwide pandemic;

WHEREAS**,** COVID-19 can spread between individuals in close proximity through respiratory droplets produced when an infected individual speaks, coughs, or sneezes;

WHEREAS**,** an infected individual can transmit COVID-19 even if the individual does not present symptoms or know that the individual is infected;

WHEREAS**,** the United States Centers for Disease Control and Prevention and the Utah Department of Health have recommended the use of face masks or other face coverings to mitigate the transmission of COVID-19;

WHEREAS, I have determined that it is appropriate to require individuals to wear face coverings while in a school or school bus to protect public health;

WHEREAS, recent data show a large increase in the transmission rate of COVID-19 in Utah, and the Utah State Epidemiologist announced that Utah is experiencing a dramatic rise in the spread of COVID-19 across Utah;

WHEREAS, under Utah Code §§ 26-1-30(3), (5), and (6), the Utah Department of Health has the power and duty to promote and protect the health and wellness of the people within the state; to control the causes of epidemic, infectious, communicable, and other diseases affecting the public health; and to prevent and control communicable, infectious, acute, chronic, or any

288 North 1460 West, Box 141000 • Salt Lake City, UT 84114-1000
Telephone (801) 538-6111 • *www.health.utah.gov*

other disease or health hazard that the Department considers to be dangerous, important, or likely to affect the public health.

Based on the foregoing, in accordance with the authority vested in me as the Interim Executive Director of the Utah Department of Health by Utah Code §§ 26-1-10, 26-1-30, and 26-6-3, and being fully advised and finding the factual basis and legal requirements have been established;

NOW, THEREFORE, I, Richard Saunders, Interim Executive Director of the Utah Department of Health, hereby order the following:

1. As used in this Order:
    a. "Face mask" means a face covering that:
        i. covers the nose and mouth without openings that can be seen through;
        ii. is made of synthetic or natural fabrics;
        iii. secures under the chin;
        iv. fits snugly against the nose and sides of the face; and
        v. does not have an exhalation valve or vent.
    b. "Face shield" means a face covering that:
        i. covers the entire face;
        ii. protects the eyes of the wearer;
        iii. is made of clear plastic or similar nonpermeable transparent material;
        iv. secures around the top of the head;
        v. does not secure under the chin;
        vi. does not fit snugly against the nose or sides of the face; and
        vii. can be used in conjunction with a mask for enhanced protection.
    c. "School" means a local education entity or private school that provides any kindergarten through grade-12 program or service, including a residential treatment center that provides any kindergarten through grade-12 program or service.
    d. "School bus" means a vehicle used for district- or school-provided transportation that transports a student to or from a school or a school-sponsored activity.
    e. "School property" means any real property, including any building, structure, facility, or part thereof, that is owned, leased, occupied, or controlled by a school.
2. Each individual on school property or on a school bus shall wear a face mask, except as provided in Section (3).
3. Section (2) does not apply to:
    a. an individual who is outdoors while maintaining a physical distance of at least six feet from any other individual who is not from the same household or residence;

288 North 1460 West, Box 141000 • Salt Lake City, UT 84114-1000
Telephone (801) 538-6111 • *www.health.utah.gov*

b. an individual who is eating or drinking while indoors and maintains a physical distance of at least six feet from any other individual who is not from the same household or residence;
c. a child who is younger than three years of age;
d. an individual with a medical condition, mental health condition, or disability that prevents wearing a face mask, including an individual with a medical condition for whom wearing a face mask could cause harm or dangerously obstruct breathing, or who is unconscious, incapacitated, or otherwise unable to remove a face mask without assistance;
e. an individual engaged in an activity where the ability to see the mouth is essential for communication, including an individual who is deaf or hard of hearing while communicating with others, an individual who is communicating with an individual who is deaf or hard of hearing, or a teachers-student dyad participating in speech therapy, in which case the individual shall wear a face shield without a mask or use alternative protection, including a plexiglass or similar barrier;
f. an individual who has an Individualized Education Program (IEP) under the Individuals with Disabilities Education Act, 20 U.S.C. section 1414, or an accommodation under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 794, that would necessitate exempting the individual from wearing a face mask;
g. an individual who is receiving or providing a service involving the nose or face for which temporary removal of the face mask is necessary to perform the service; or
h. an individual participating in a school sponsored activity or physical education class as long as the individual complies with Appendix C of the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation.

4. A school may require an individual to provide a medical directive from a Doctor of Medicine (MD), Doctor of Osteopathic Medicine (DO), Physician Assistant (PA), Advanced Practice Registered Nurse (APRN), documenting a need for an exemption under Subsection (3)(d).
5. For an individual described in Subsection (3)(f), a local education agency shall document the accommodation in accordance with 34 CFR 104.33(a) as part of the student's IEP or Section 504 accommodation plan.
6. This Order supersedes Utah Public Health Order 2020-10.

288 North 1460 West, Box 141000 • Salt Lake City, UT 84114-1000
Telephone (801) 538-6111 • *www.health.utah.gov*

This Order is effective immediately and shall remain in effect until 11:59 p.m. December 31, 2020, unless otherwise modified, amended, rescinded, or superseded.

Made at____14____ day of August, 2020.

Richard G. Saunders
Interim Executive Director
Utah Department of Health

288 North 1460 West, Box 141000 • Salt Lake City, UT 84114-1000
Telephone (801) 538-6111 • *www.health.utah.gov*