OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR

MIKE COONEY
LT. GOVERNOR

TO: Montanans; all officers and agencies of the State of Montana
FROM: Governor Steve Bullock
DATE: March 30, 2020
RE: Directive Implementing Executive Orders 2-2020 and 3-2020 and providing mandatory quarantine for certain travelers arriving in Montana from another state or country

Executive Orders 2-2020 and 3-2020 declare that a state of emergency exists in Montana due to the global outbreak of COVID-19 Novel Coronavirus.

Section 10-3-104(2)(a), MCA, authorizes the Governor, during a state of emergency, to "suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or orders or rules of any state agency if the strict compliance with the provisions of any statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster." Further, it authorizes the Governor to "control ingress and egress to and from an incident or emergency or disaster area, the movement of persons within the area, and the occupancy of premises within the area." Section 10-3-104(2)(c), MCA. During a state of emergency, the Governor "is commander-in-chief of the militia and of all other forces available for incident, emergency, or disaster duty." Section 10-3-305(1), MCA.

Montana's public health laws authorize the Department of Public Health and Human Services (DPHHS or Department), acting under the Governor's direction, to "issue written orders for correction" of "conditions of public health importance," to "prevent and mitigate conditions of public health importance" through measures including "isolation and quarantine" and "abatement of public health nuisances." Section 50-1-202, MCA. The Department, under the Governor's direction, may also take action to correct public health deficiencies in "buildings or facilities where persons assemble." Section 50-1-203, MCA. The Department, under the Governor's direction, is also authorized to impose quarantine and isolation measures to protect public health. Section 50-1-204, MCA. Montana law provides that these authorities will be utilized to respond to an "outbreak of disease," § 10-3-103(4), MCA, and to "limit the transmission of the communicable disease." *See, e.g.*, § 50-1-101(6), MCA.

COVID-19 is an easily transmissible, potentially fatal respiratory disease caused by a novel coronavirus. COVID-19 is a contagion that most frequently spreads person-to-person. The virus may live on surfaces and remain in the air after someone coughs or sneezes for an unknown period of time, creating a range of opportunities for exposure. Exposure can also happen when a person touches a surface or object that has the live virus on it and then touches one's face. To curtail the spread of COVID-19, it is necessary to ensure all persons within the State of Montana practice social distancing to the greatest extent possible.

Accordingly, to limit the opportunity of COVID-19 transmission through children, on March 15, 2020, I issued a Directive closing schools and limiting nursing homes. To limit the spread of COVID-19 in places where people commonly congregate, on March 20, 2020, I ordered restaurants, bars, breweries, gyms and health clubs, casinos, movie and performance theaters, and similar businesses to close except in limited circumstances. And on March 26, 2020, I issued a Directive requiring all Montanans to stay

at home except for engaging in certain essential activities, businesses, or organizations, and requiring Montanans to practice social distancing when doing so.

COVID-19 has now spread across the United States, with cases in every state and the total number of cases exceeding 100,000. At present, travel is the most common known source of COVID-19 infections in Montana. To curtail the spread of COVID-19 in Montana, and to protect the health and economic wellbeing of all Montanans, and to implement my March 26, 2020, Stay at Home Directive and other Directives, it is necessary immediately to implement measures to prevent the spread of disease with respect to travelers arriving in Montana for non-work-related purposes. Such an approach will reduce the overall number of infections in the state and preserve increasingly scarce health care resources.

In consultation with public health experts, health care providers, and emergency management professionals, I have determined that it is essential to the health, safety, and welfare of the State of Montana during the ongoing state of emergency that all travelers, including Montanans, arriving in Montana from another state or country for a non-work-related purpose must immediately self-quarantine for 14 days or for the duration of the person's presence in Montana, whichever is shorter.

Therefore, in accordance with the authority vested in me under the Constitution, Article VI, Sections 4 and 13, and the laws of the State of Montana, Title 10, Chapter 3 and Title 50, Chapter 1, MCA, and other applicable provisions of the Constitution and Montana law, I hereby direct the following measures be in place in the State of Montana effective immediately:

Self-Quarantine for Persons Arriving in Montana

- Any person coming to Montana from another state or country for a non-work-related purpose must immediately self-quarantine for 14 days. If a person will be present in Montana for fewer than 14 days, that person must self-quarantine for the duration of the visit.

- Any person who has already arrived in Montana from another state or country for a non-work-related purpose before the date of this Directive must immediately self-quarantine for the remainder of a 14-day period beginning on the date of their arrival in Montana, or until their departure from Montana—whichever is sooner.

- The Montana Department of Commerce will advise persons listing hotels, rental properties, or other short-term rentals in Montana—including but not limited to listings on such services as Airbnb, VRBO, HomeAway, and related services—to include notice of the mandatory quarantine for travelers from another state or country.

- These quarantine restrictions do not apply in the following circumstances:
    - to persons traveling through Montana en route to another destination; or
    - to public health, public safety, or healthcare workers

- These quarantine restrictions shall apply to Montana residents and non-residents alike.

- In addition to these restrictions, persons required to self-quarantine under this Directive shall also comply with the requirements of all other Executive Orders and Directives issued by me. This Directive shall not be construed as limiting the effect of any previously issued Directive or Executive Order.

Montana National Guard Authorized to Assist

- The Montana National Guard is authorized to conduct temperature checks, assess individuals for COVID-19 symptoms, and to inquire about the exposure history (*e.g.*, close contact with an infected person) of any traveler arriving in Montana from another state or country through air or rail travel. Such checks may only occur with the express direction and authorization of the Governor and Adjutant General, and only at locations to be determined by the Governor and Adjutant General, consistent with the purposes of this Directive.

- When conducting temperature checks, assessing for symptoms, and inquiring about exposure history, the Montana National Guard will advise travelers arriving in Montana from another state or country of the mandatory quarantine for those traveling to Montana for non-work-related purposes, as well as the Stay at Home order and its limitations on non-essential travel.

- If a traveler has a temperature of 100.4 degrees Fahrenheit or greater, is otherwise assessed to have COVID-19 symptoms, or who has had close contact with an infected person, the Montana National Guard will refer the individual for assessment by a healthcare provider. The healthcare provider will notify their local county or tribal health department of the location where the traveler intends to quarantine, if applicable.
    - The term "close contact" has the meaning ascribed to it by the Centers for Disease Control, and means:
        - being within approximately 6 feet (2 meters) of a COVID-19 case for a prolonged period of time; close contact can occur while caring for, living with, visiting, or sharing a healthcare waiting area or room with a COVID-19 case;
        - or having direct contact with infectious secretions of a COVID-19 case (*e.g.*, being coughed on).

Directive Is Public Health Order and Enforceable By County Attorney

- This Directive, along with any prior Directive that implements and references the public health authorities of the Department of Public Health and Human Services (DPHHS) provided in Title 50, constitutes a "public health . . . order[]" within the meaning of § 50-1-103(2), MCA, and is enforceable by the Attorney General, DPHHS, a county attorney, or other local authorities under the direction of a county attorney.

Local Public Health Agencies to Assist in Administration of this Public Health Order

- Local public health agencies are directed to assist in the administration of this Directive, consistent with § 50-1-202(2)(a), MCA.

Less-Restrictive Local Ordinances Preempted

- This Directive is in effect statewide in Montana. In the interest of uniformity of laws and to prevent the spread of disease, all inconsistent emergency county health ordinances are preempted by this Directive, but only to the extent they are less restrictive.

Authorities: Section 10-3-104, MCA; §§ 50-1-103, -202, -203, and -204, MCA; Executive Orders 2-2020 and 3-2020; Montana Constitution, Art. VI, Sections 4 and 13; §§ 10-3-103, -302, and -305, MCA; and all other applicable provisions of state and federal law.

Limitations

- This Directive is effective immediately through April 10, 2020.

- This Directive shall be implemented consistent with applicable law and subject to the availability of appropriations.
- If any provision of this Directive or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Directive, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Directive are declared to be severable.
- This Directive is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Montana, its departments, agencies, or entities, its officers, employees, or agents, or any other person.