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: Friday, May 8, 2020
RE: Directive implementing Executive Orders 2-2020 and 3-2020 and providing for the expansion of openings for certain businesses and facilities under Phase One

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. On April 22, 2020, I issued a Directive providing guidance for the phased reopening of Montana and establishing conditions for Phase One ("Phase One Directive").

This Directive supplements the Phase One Directive by permitting the limited reopening of certain enumerated businesses, effective May 15, 2020, and subject to the provisions of the Phase One Directive and the Guidance attached to this Directive. It operates under the same authorities detailed in the Phase One Directive, which are incorporated here by reference.

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 retroactive to May 5, 2020, pools at licensed public accommodations (hotels, motels, bed and breakfast establishments, tourist homes, etc.) can become operational during Phase I under strict physical distancing and reduced capacity protocols in accordance with the Phase One Directive and the Guidance attached to this Directive.

- Effective May 15, 2020, the following businesses can become operational during Phase I under strict physical distancing and reduced capacity protocols in accordance with the Phase One Directive and the Guidance attached to this Directive:
    - Gyms and fitness studios
    - Pools at gyms
    - Theaters, including movie theaters
    - Museums

- Except where specified herein, all other provisions of the Phase One Directive remain in effect, including hot springs or pools not at gyms or at licensed public accommodations. This Directive does not supersede or modify any other prior Directive except to the limited extent a prior Directive is in direct conflict with the provisions of this Directive.

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

Limitations

- This Directive is effective on the dates specified and expires at the end of the declared state of emergency in Executive Orders 2-2020 and 3-2020.
- This Directive shall be implemented consistent with applicable law and subject to the availability of appropriations.
- Nothing in this Directive shall be construed to limit, modify, or otherwise affect the authority granted by law to the Governor, any department, agency, political subdivision, officer, agent, or employee of the State of Montana except as expressly provided in this Directive or other Directives now in effect implementing Executive Orders 2-2020 and 3-2020.
- 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.

Phase 1 Guidance for Pools at Licensed Public Accommodations (Hotels, Motels, Bed and Breakfasts, Tourist Homes, etcetera)

Public Accommodation Pools are allowed to operate with reduced capacity of 50% of normal bather load and basic compliance with social distancing requirements.

The CDC has indicated that properly maintained pool water inactivates the virus. It is critical that pools that have shut down during this time or reduced maintenance follow proper re-opening procedures and sampling of chemical parameters to ensure water is safe for use, prior to opening to the public. Operators should work with their Certified Pool Operator and/or local/state sanitarian if questions arise regarding re-opening.

If a facility has had a confirmed COVID-19 case they should follow the CDCs facility environmental cleaning procedures for deck areas, seating, locker rooms, and other areas of the establishment frequented by swimmers.

Public Accommodation Pools (Pools at Hotels, Motels, Bed and Breakfasts, Tourist Homes, etcetera):

- Only registered guests can use the facility;
- Front desk/gate attendant tracks occupancy, incoming and outgoing to ensure maximum occupancy does not exceed 50% capacity of normal bather load;
- Signage must be posted with the following or substantially similar wording. Signs shall be positioned for effective visual observation by hotel guests, such as on the entry way door:
    - "Hotel guests with fever, shortness of breath, a cough, or other COVID-19 symptoms must refrain from using the pool.";
- No congregating in waiting areas, patrons should wait in an appropriately spaced line or way that observes social distancing;
- Locker rooms should remain closed, except for showering before and after swimming. Since only registered hotel guests are allowed to use the pool, individuals should change in their rooms;
- Social distancing should be applied in all common areas;
- 6 foot spacing between unassociated swimmers (i.e. not family members);
- 6 foot spacing between groups of no more than 10 (i.e. family groups and unrelated individuals must maintain 6 foot separation);
- Space deck tables and chairs to facilitate 6 foot spacing;
- Recommend, where possible, use buoys and floating pool ropes to mark off lanes or areas of pool for separation of large swimming areas;
- Recommend, where possible, marking stairs and walkways with directional arrows to keep in/out traffic separated.

Guidance for gyms and fitness studios

Gyms and fitness studios contribute to the health and wellness for many Montanans. As such, and in recognition of the continued progress toward recovery that Montana has made, beginning Friday, May 15, 2020 they will be allowed to operate at 50% capacity with sanitization and social distancing requirements met.

In the event a confirmed COVID-19 case is associated with a facility, the facility should be thoroughly cleaned in accordance with the CDC's facility environmental cleaning procedures for workout areas, seating, locker rooms, and other areas of the establishment frequented by patrons.

- Only registered members can use the facility, no day passes or walk-in.

- Facility must have a dedicated staff available during operating hours to wipe down frequently touched areas on a regular basis and monitor gyms zones to ensure that users are wiping down equipment properly.

- Train workers on symptom awareness and proper handwashing technique.

- Signage must be posted with the following or substantially similar wording:
    - "Patrons with fever, shortness of breath, a cough, or other COVID-19 symptoms must refrain from using the gym"
    - Signs shall be positioned for effective visual observation by gym guests, such as at the front desk and in locker rooms.

- Front desk should track occupancy to ensure facilities stay at or below 50 percent capacity.

- Hand sanitizer must be made available at front desk and at stations throughout the workout area.

- Approved sanitizer for cleaning equipment after use must be provided at stations throughout the workout areas along with disposable towels. Reusable towels shall not be used to clean equipment.

- Post signs throughout workout area reminding patrons to wipe equipment after each use.

- Masks should be worn by all staff.

- Masks are encouraged to be worn by guests when possible.

- Six-foot distance should be maintained between equipment. Cardio studios should limit guests to every other piece of equipment to achieve this.

- Guest using free weights shall maintain six feet of separation except when a spotter is necessary. In this instance, workout groups shall be limited to two people.

- Sitting areas must be closed for use.

- Food vendors must follow applicable COVID-19 procedures for restaurants and retail food service. Vendors should be encouraged to use single-service items whenever possible, especially for condiments and similar foods.

- Social distancing must be maintained in dressing rooms and other common areas. No congregating in these areas may be allowed.

- After closing, establishments must clean using an EPA approved disinfectant. Twenty-four-hour establishments must close from 11:30 pm to 12am so that proper disinfection can happen.
    - Facility must develop a checklist to ensure that no equipment is being missed during disinfection. Checklist should include large items, such as treadmills and smaller items, such as weights and bands.

- Frequently touched surfaces must be cleaned and sanitized regularly throughout the day and disinfected each night after closing.

- Personal training sessions may be offered with strict adherence to social distancing guidelines and masks are encouraged to be used by the trainer and trainee.

- Indoor group classes may not be offered.

- Alternatively, group classes may be offered outdoors with strict adherence to social distancing guidelines and should avoid gathering in groups of more than 10 people in circumstances that do not readily allow for appropriate physical distancing.

- Additional time between group classes outdoors must be provided so that a designated gym employee can disinfect any equipment and other cleanable surfaces before the next class begins.

Guidance for Pools at Gyms

Gym pools are allowed to operate with reduced capacity of 50% of normal bather load and basic compliance with social distancing requirements.

The CDC has indicated that properly maintained pool water inactivates the virus. It is critical pools that have shut down during this time or reduced maintenance follow proper re-opening procedures and sampling of chemical parameters to ensure water is safe for use, prior to opening to the public. Operators should work with their Certified Pool Operator and/or local/state sanitarian if questions arise regarding re-opening.

In the event a confirmed COVID-19 case is associated with a facility the facility should clean in accordance with CDC's facility environmental cleaning procedures for workout areas, seating, locker rooms, and other areas of the establishment frequented by swimmers.

Gym Pools:

- Only registered members can use the facility, no day passes or walk-ins
- Train workers on symptom awareness and proper handwashing procedures
- Pool classes may continue; if:
    - All social distancing requirements must be observed during class; and
    - Any equipment used can be easily cleaned and disinfected between users.
- Youth swim lessons may be offered in-line with previous guidance for Phase 1, which includes youth activities should avoid gathering in groups of more than 10 people in circumstances that do not readily allow for appropriate physical distancing.
- Front desk/gate attendant tracks occupancy, incoming and outgoing to ensure maximum occupancy does not exceed 50% capacity of normal bather load;
- Signage must be posted with the following or substantially similar wording.
    - "Members with fever, shortness of breath, a cough, or other COVID-19 symptoms must refrain from using this facility."
    - Signs shall be positioned for effective visual observation by members, such as on the entry way door
- No congregating in waiting areas, patrons should wait in an appropriately spaced line or way that observes social distancing
- Locker rooms should be monitored by a designated staff member to ensure they are not becoming crowded and that social distancing is being observed
- Signage must be posted on the locker room door with the following or substantially similar wording, "Observe social distancing while using this facility. No loitering in common areas."
- Social distancing should be applied in all common areas
- 6-foot spacing between unassociated members (i.e. not family members) in the pool.

- 6-foot spacing between groups of no more than 10 (i.e. family groups and unrelated individuals must maintain 6-foot separation) in the pool.
- Space pool deck tables and chairs to facilitate a 6-foot distance.
- Recommend, where possible, use of buoys and floating pool ropes to mark off lanes or areas of pool for separation of large swimming areas.
- Recommend, where possible, marking stairs and walkways with directional arrows to keep in/out traffic separated.

Guidance for movie theaters and museums

In the event a confirmed COVID-19 case is associated with a facility the facility should clean in accordance with CDC's facility environmental cleaning procedures for areas of the establishment frequented by patrons.

This guidance applies to non-tactile museums. Interactive museums or museums with sections that allow touch interactions with displays are not to be open under this guidance.

This guidance applies to non-live performance theaters such as movie theaters. Live performance theaters may not be open under this guidance.

General Guidance for theaters and museums

- Maximum number of attendees is 50 percent of normal capacity while maintaining 6 feet between non-family member groups.
- Signage must be posted with the following or substantially similar wording:
    - "Patrons with fever, shortness of breath, a cough, or other COVID-19 symptoms must refrain from using this facility."
    - Signs shall be positioned for effective visual observation by patrons, such as on the entry way door.
- Increase cleaning and sanitizing of frequently touched surfaces, including door handles, chairs and tables.
- Keep social distancing of at least 6 feet between non-family member groups or immediate party.

- Food vendors must follow applicable COVID-19 procedures for restaurants and retail food service. Vendors should be encouraged to use single-service items whenever possible, especially for condiments and similar foods.

- Facilities should try to control customer flow in a manner that maximizes social distancing such as signage or ropes and directing flow in one direction.

- Provide hand sanitizer or hand washing stations throughout the venue whenever possible.

- Each venue should create and implement a written COVID-19 response plan.

- Increase cleaning and sanitizing of restrooms to no less than every two hours whenever possible.

- Provide clear plastic shielding between workers and attendees whenever possible, such as event cashiers and food vendors.

- If possible do not use tables. Tables should be covered with single-use material and discarded between users, showings, performances or every two hours, whichever provides maximum spread protection.

- Train workers on COVID-19 symptom awareness and proper handwashing procedures.

Additional measures that apply to theaters

- Increase cleaning time period between events, performances and showings. Ensure that commonly touched surfaces such as arm rests and railings are cleaned frequently.

- Ushers should monitor and enforce social distancing practices in theaters and encourage additional distance between guests as appropriate.
    - Ushers should limit the number of people in lines to no less than 6 feet between families or immediate party.

Additional measures that apply to museums

- Gift shops should limit entry to 50% capacity and clean commonly touched surfaces frequently.