TWENTY-THIRD CONTINUATION, AND MODIFICATION, OF STATEWIDE PUBLIC HEALTH ORDER REGARDING CHILD CARE FACILITIES, K-12 SCHOOLS, COLLEGES, UNIVERSITIES, AND TRADE SCHOOLS

In an effort to stop the spread of the coronavirus (COVID-19), the Wyoming Department of Health finds it necessary to protect the health of the public by modifying and continuing certain restrictions/requirements as outlined in this Order. Additionally, this Order implements measures in line with the White House unveiling, on April 16, 2020, of certain guidelines for Opening Up America Again - a three-phased approach beginning with State or Regional Gating Criteria and continuing through three phases of removing restrictions when there is no evidence of resurgence of the virus.

The metrics measuring outbreak progress and healthcare system capacity support the Wyoming Department of Health continuing certain provisions in the previous statewide public health orders through a measured and data-based approach (except Statewide Public Health Order #4 which will expire on March 15, 2021, and will not be renewed). As with previous statewide public health orders, this Order continues to authorize countywide variances to the restrictions/requirements within this Order, in the form of a Countywide Variance Order, if approved in writing by the County Health Officer and the State Health Officer.

This Order removes all restrictions and requirements for all businesses/entities previously outlined in statewide public health order #1 except for child care facilities and K-12 schools, colleges, universities, and trade schools.

This Order is effective on March 16, 2021, and shall remain in effect through March 31, 2021, unless the Wyoming Department of Health revokes or extends this Order before March 31, 2021.

FINDINGS

1. COVID-19 was first detected in Wuhan, China in 2019, and since then has spread to over 60 countries including the United States. There are 46,676 confirmed cases of COVID-19 in Wyoming as of March 11, 2021, as well as the presence of community spread. It is expected that more cases will be diagnosed. There have been 691 deaths among Wyoming residents related to COVID-19.

2. COVID-19 is a respiratory illness, transmitted through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic two to fourteen days after exposure. The symptoms of COVID-19 include fever, cough, and shortness of breath. In some cases, COVID-19 can result in severe disease including hospitalization, admission to an intensive care unit, and death, especially among older adults and persons with serious underlying health conditions. New information about the implications of this virus is ongoing.

3. The World Health Organization declared COVID-19 a worldwide pandemic as of March 11, 2020.

4. On March 13, 2020, the President of the United States declared a national emergency concerning the coronavirus, specifically stating that, in "December 2019 a novel (new) coronavirus known as SARS-CoV-2 ("the virus") was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally [...] The spread of COVID-19 within our Nation's communities threatens to strain our Nation's healthcare systems. [...] Additional measures [...] are needed to successfully contain and combat the virus in the United States."

5. On March 13, 2020, Wyoming Governor Mark Gordon declared a State of Emergency and Public Health Emergency in the State of Wyoming, stating that on March 11, 2020, an individual within the State of Wyoming tested presumptive positive for COVID-19 and the State of Wyoming is experiencing a public health emergency in response to the evolving COVID-19 outbreak.

6. Governor Gordon's Declaration of a State of Emergency and Public Health Emergency directs the Wyoming Department of Health to take all appropriate and necessary actions, and that in the judgment of the Director of the Wyoming Department of Health, any actions necessary should be taken to provide aid to those locations where there is a threat or danger to public health, safety, and welfare.

7. A significant number of Wyoming citizens are at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, people with mild symptoms, and even asymptomatic persons with COVID-19, place other vulnerable members of the public at significant risk.

8. A large number of persons with serious infections may compromise the ability of healthcare systems in Wyoming to deliver the necessary healthcare to the public.

9. Wyoming Statute § 35-1-240(a)(i), (ii), (iii), and (iv) provides all the rights and powers for the Wyoming Department of Health, through the State Health Officer, Dr. Alexia Harrist, MD, PhD, or under her directive through other employees of the Wyoming Department of Health, to control the causes of communicable disease; to close theaters, schools, and other public places; and to forbid gatherings of people when necessary to protect public health.

10. In addition to the above findings, stopping the spread of COVID-19 includes washing your hands often, practicing social distancing by avoiding close contact with others, staying at least six feet away from someone who is ill or showing signs of illness, avoiding touching your face, eyes, nose and mouth, covering your cough or sneeze into your elbow or by using a tissue, and by wearing a face covering when in public.

ORDER

1. As used in this Order "Face Covering" means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers the nose and mouth and surrounding areas of the lower face.

2. In order to help protect the health and safety of children, child care centers or home daycares may operate only under the following conditions:

a. The child care provider shall ensure that all people (children and providers) wash hands with soap and water upon arrival to the facility;

b. The child care provider shall ensure that staff and children are screened for symptoms of COVID-19 at the beginning of the day on arrival and may not allow any symptomatic individuals to enter the facility;

c. The business shall maintain a record of staff working hours by date and time for purposes of COVID-19 contact tracing; if such recordkeeping is done manually, sanitizing measures must be taken on the instruments used for recordkeeping in between use;

d. In the event of a confirmed case of COVID-19 within the facility, the provider shall consult with health officials on next steps; the provider shall close the facility if determined necessary by health officials;

e. The child care provider shall require individuals dropping off or picking up children to stay 6 feet away from children that the individual is not dropping off or picking up; and

f. The child care provider shall ensure that surfaces and areas that are used and touched often are cleaned and sanitized after each use (e.g. shared toys, keyboards, desks, remote controls) or at least twice a day (e.g. doorknobs, light switches, toilet handles, sink handles, countertops).

3. In addition to the measures noted above, child care centers or home daycares are required to follow all health guidelines from the Centers for Disease Control and Prevention ("CDC") and Wyoming Department of Health for limiting the risk of transmission of COVID-19, to the extent possible when caring for children.

4. As child care is a critical part of the infrastructure of Wyoming, allowing essential systems to function, in the event a County Health Officer closes a child care facility under the direction and supervision of the State Health Officer, the County Health Officer shall work with local child care providers to make available limited child care services.

5. K-12 schools, colleges, universities, and trade schools may provide on-site instruction to students and allow other use of their facilities under the following conditions:

a. Groups of students and teachers shall be limited to 50 in each separate room, however, 6 feet of separation between individuals should be maintained as much as possible;

b. Up to 250 people may be allowed in rooms where 6 feet of separation between individuals can be maintained (including, by way of example, cafeterias, auditoriums, large classrooms);

c. Students, teachers, school staff, and visitors (including parents, families, and members of the public) shall wear Face Coverings indoors where 6 feet of separation between individuals cannot be maintained;

d. The following are excepted from the requirement to wear a Face Covering:

1. Children who are younger than three years of age;

2. Individuals with a medical condition, mental health condition, or disability that prevents wearing a Face Covering, including an individual with a medical condition for whom wearing a Face Covering could cause harm or dangerously obstruct breathing; K-12 schools shall require documentation from the student's parent/guardian, or the student's medical provider, that the student meets this exception;

3. Individuals who are unconscious, incapacitated, or otherwise unable to remove a Face Covering without assistance;

4. Individuals who are deaf or hard of hearing while communicating with others, or individuals who are communicating with an individual who is deaf or hard of hearing, where the ability to see the mouth is essential for communication, in which case it is recommended that a face shield or alternative protection such as a plexiglass barrier be used (a face shield is a personal protective equipment device which protects the person's entire face from potentially infectious materials);

5. Individuals who have an Individualized Education Program (IEP) under the Individuals with Disabilities Education Act, 20 U.S.C. § 1414, or an accommodation under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, that would necessitate exempting the individual from wearing a Face Covering;

6. Children for whom a Face Covering may interfere with the ability to effectively participate in educational activities or may increase the risk of disease transmission because of increased hand to face contact;

7. Individuals engaged in athletic activities or performances; or

8. When an individual is eating or drinking.

e. Six foot spacing of students during transportation to and from the facility shall be maintained as much as practicable; Face Coverings shall be worn during transportation when six feet of separation cannot be maintained, with the exceptions listed in paragraph d above;

f. Indoor events attended by non-students (e.g., parents, families, or members of the public), must comply with the following provisions:

1. Individuals must wear a Face Covering at all times during the indoor event subject to the exceptions in paragraph d, above.

2. Social distancing should be maintained between individual groups of spectators/attendees to the greatest extent possible.

3. An indoor event of more than five hundred (500) spectators/attendees must be held at no more than 50% of the venue's (or room's) capacity.

g. Hand hygiene must be performed frequently within the facility; and

h. Individuals with symptoms of COVID-19, or exposure to an individual with COVID-19 within the last 14 days, may not attend the institution unless otherwise directed by public health officials.

6. Specific exceptions to the restrictions/requirements in this Order may be granted, at the discretion of the County Health Officer under the direction and supervision of the State Health Officer, if demonstrated, in writing, to the County Health Officer that effective cleaning and safety measures are implemented. Any specific exception under this paragraph must be approved in writing by the State Health Officer and may be modified or revoked by the County Health Officer under the supervision and direction of the State Health Officer.

7. Countywide variances to the restrictions/requirements in this Order may be granted in the form of a Countywide Variance Order if approved and signed by both the County Health Officer and the State Health Officer. Countywide Variance Orders may be less restrictive or more restrictive than the measures imposed in this Order.

8. This Order is entered in conjunction with the statewide public health order titled "Twenty-Third Continuation, and Modification, of Statewide Public Health Order #2: Regarding Large Indoor Events of More than Five Hundred (500) People, with Exceptions", entered March 11, 2021.

9. This Order does not alter but supplements the requirements outlined in the other statewide public health order.

As the State Health Officer, I specifically deem this Order necessary to protect the public health. *See* Wyo. Stat. Ann. § 35-1-240(a)(i), (ii), (iii), and (iv). I will reassess the necessity of this Order as appropriate to do so and according to accepted epidemiological and medical standards. Any person or legal entity that violates this Order shall be subject to criminal prosecution under Wyo. Stat. Ann. §§ 35-1-105 and -106.

DATED THIS 12 DAY OF March, 2021.

Alexia Harrist
Wyoming State Health Officer