FIFTH CONTINUATION, AND MODIFICATION, OF STATEWIDE PUBLIC HEALTH ORDER REGARDING BARS, RESTAURANTS, THEATERS, GYMNASIUMS, 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 continuing certain restrictions 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.

Due in part to the vigilance of Wyoming residents, the metrics measuring outbreak progress and healthcare system capacity allow for the Wyoming Department of Health to continue the process of incrementally lifting restrictions in previous statewide public health orders through a measured and data-based approach. As with previous statewide public health orders, this Order continues to authorize countywide variances to the restrictions within this Order, in the form of a Countywide Variance Order, if approved by the County Health Officer and the State Health Officer. This Order also continues to authorize restaurants, bars, theaters, gymnasiums, and child care facilities to operate under certain conditions. This Order also continues to authorize K-12 schools, colleges, universities, and trade schools to provide limited on-site instruction to students who need specialized assistance or services, or for technical courses that require specific equipment for instruction under certain conditions.

This Order is effective on June 1, 2020, and shall remain in effect through June 15, 2020, unless the Wyoming Department of Health revokes or extends this Order before June 15, 2020.

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 648 confirmed cases of COVID-19 in Wyoming as of May 26, 2020, as well as the presence of community spread. It is expected that more cases will be diagnosed. There have been 13 deaths in Wyoming 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), 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. Pursuant to Wyo. Stat. Ann. § 35-1-240(a)(i), (ii), and (iv), beginning on June 1, 2020, and continuing through June 15, 2020, unless revoked or extended by the Wyoming Department of Health before June 15, 2020, restaurants, food courts, cafes, coffeehouses, bars, taverns, brew pubs, breweries, microbreweries, distillery pubs, wineries, tasting rooms, special licensees, clubs, cigar bars, and other places of public accommodation offering food, beverages, or alcoholic beverages for on-premises consumption may provide

services (indoors and outdoors) under the following restrictions, to be enforced by the business owner:

a. All patrons shall be seated at tables (for purposes of this Order, booths are included in the definition of tables);

b. Tables must be limited to groups of 6, preferably of the same household, however, a business may make exceptions for groups greater than 6 if the group is solely comprised of members from the same household;

c. Tables with patrons must be positioned such that patrons at different tables are at least 6 feet apart (and preferably 10 feet apart) on all sides when seated; the number of people in a confined area at any time must be limited in such a way as to allow for adequate distancing between tables;

d. Signage must be positioned on premises reminding separate parties to stand at least 6 feet apart; designated waiting areas must have floor markers to indicate proper spacing;

e. Physical distancing guidelines must be maintained while customers enter and remain on premises;

f. Staff that come within 6 feet of customers or other staff shall wear face coverings; staff shall perform hand hygiene between interactions with each table;

g. Cups, lids, napkins, and straws must be handed directly to customers by staff;

h. Tables must not be set prior to customer arrival; staff shall avoid touching items that have been placed on the table; tables must be cleared by dedicated staff once all guests have left the table;

i. Dedicated staff shall sanitize all areas occupied by customers upon customer departure, including tables, menus, pens, salt and pepper shakers, tables, chairs, etc. (consider the use of disposable items as necessary);

j. The business shall not operate without appropriate protective equipment for staff (face coverings, gloves for serving and cleaning, etc.), EPA-approved disinfectants and sanitizers, soap and other necessary cleaning supplies;

k. Hand sanitizer shall be available at the business entrance and immediately adjacent to all bathrooms;

l. Cleaning and disinfecting shall be performed in the morning, afternoon, and evening; all tables, chairs, door handles, floors, and bathrooms, and any high-touch surfaces must be cleaned and disinfected;

m. No self-serve food service or buffet options shall be available unless food is pre-packaged; drink refills are not allowed in the same containers;

n. Gloves shall be worn when handling to-go boxes, pizza boxes, paper cups, and any other paper product that touches food;

o. Staff shall use gloves when handling ready-to-eat foods (including ice); gloves are not required when handling foods that have yet to be cooked;

p. Employees shall be screened for symptoms of COVID-19, or exposure to an individual with COVID-19, prior to each shift; employees who are ill shall not be allowed to work; employees who have been exposed to a COVID-19 positive person within the previous 14 days shall not be allowed to work; employee logs of the screening activity must be kept and made available for inspection by the local health officer;

q. Self-service condiments shall not be used, unless the condiments can be cleaned adequately between customers;

r. The business shall encourage contactless and non-signature payment; if not possible for the customer, card and payment stations must be sanitized after each use; staff shall sanitize hands between handling payment options and food containers;

s. 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;

t. Playgrounds at the business must remain closed;

u. No dart/pool leagues, dances, or karaoke may take place at the business; and

v. Signage must remind customers not to enter the business if they have symptoms of COVID-19 and must be displayed at the business entrance.

2. Gymnasiums may re-open or continue to operate in a limited capacity, under the following restrictions, to be enforced by the owner of the facility:

a. Staff that come within 6 feet of customers or other staff shall wear face coverings;

b. Employees shall be screened for symptoms of COVID-19, or exposure to an individual with COVID-19, prior to each shift; employees who are ill shall not be allowed to work; employees who have been exposed to a COVID-19 positive person within the previous 14 days shall not be allowed to work; employee logs of the screening activity must be kept and made available for inspection by the local health officer;

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. Close-contact group activities, including close-contact sports, are prohibited; personal training is permitted;

e. Locker rooms may be open, provided that lockers are assigned by patron and are disinfected by staff after each use; showers may be open, provided that proper cleaning is performed; at all times, physical distancing must be maintained in locker rooms;

f. Workout equipment must be no less than 6 feet apart (and preferably 10 feet apart), enforced by staff during operation;

g. Workout equipment must be cleaned by staff in between each patron use;

h. Handwashing stations, or hand sanitizer, must be readily available for all patrons;

i. Group workout classes are permitted, provided that at all times, each participant can remain at least 6 feet away from other participants of the class; class sizes shall be limited to 25 participants;

j. Overall number of patrons in the entire facility must not exceed 1 person per 120 square feet, and patrons must maintain physical distancing during their workout;

k. Swimming pools shall be limited to one swimmer per lane;

l. Spas and saunas shall remain closed;

m. The business shall not operate without appropriate protective equipment for staff (face coverings, gloves for serving and cleaning, etc.), EPA-approved disinfectants and sanitizers, soap and other necessary cleaning supplies; and

n. Signage must be displayed reminding customers not to enter the business if they have symptoms of COVID-19, and the signage must be displayed at the business entrance.

3. Movie theaters, performance theaters, opera houses, concert halls, and music halls may re-open or continue to operate in a limited capacity, under the following restrictions to be enforced by the owner of the facility:

   a. Groups of patrons seated together must be limited to 6, preferably of the same household, however, a business may make exceptions for groups greater than 6 if the group is solely comprised of members from the same household;

b. A 6-foot distance must be maintained between individual groups at all times, including in waiting areas and while seated in the facility;

c. The number of people in a confined area at any time must be limited to allow for adequate distancing between groups;

d. Close contact between members of different groups is prohibited before, during, and after each performance;

e. Signage must remind patrons to remain at least 6 feet apart from other groups of people; waiting areas must have floor markers to indicate proper spacing;

f. Staff shall perform hand hygiene between interactions with each customer or party;

g. Staff that come within 6 feet of customers or other staff shall wear a face covering;

h. Patrons should be encouraged to wear face coverings to the greatest extent practicable;

i. Employees shall be screened for symptoms of COVID-19, or exposure to an individual with COVID-19, prior to each shift; employees who are ill shall not be allowed to work; employees who have been exposed to a COVID-19 positive person within the previous 14 days shall not be allowed to work; employee logs of the screening activity must be kept and made available for inspection by the local health officer;

j. The business shall not operate without appropriate protective equipment for staff (face coverings, gloves for serving and cleaning, etc.), EPA-approved disinfectants and sanitizers, soap and other necessary cleaning supplies;

k. Hand sanitizer must be available at the entrance to the facility and immediately adjacent to the bathrooms;

l. The facility must be thoroughly cleaned and disinfected prior to and after each performance; all countertops, seating, armrests, door handles, floors, bathrooms, and any high-touch surfaces must be cleaned and disinfected according to CDC guidelines for cleaning;

m. 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;

n. The business shall encourage contactless and non-signature payment; if not possible for the customer, card and payment stations must be sanitized after each use; staff shall sanitize hands between handling payment options;

o. Signage must remind customers not to enter the business if they have symptoms of COVID-19, and the signage must be displayed at the business entrance; and

p. Food service must follow the provisions for restaurants in paragraph 1 above.

4. For clarity, this Order does not apply to any of the following:

   a. Places of public accommodation that offer food and beverage not for on-premises consumption, including grocery stores, markets, retail stores that offer food, convenience stores, pharmacies, drug stores, and food pantries;

   b. Room service in hotels;

   c. Health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities;

   d. Crisis shelters or similar institutions;

   e. Airport concessionaires; and

   f. Any emergency facilities necessary for the response to the events surrounding the public health emergency and state of emergency caused by COVID-19.

5. In order to help protect the health and safety of children, child care centers or home daycares may re-open or continue to operate under the following conditions:

   a. The child care provider shall restrict groups of people (children and providers) to 25 in each separate room in accordance with all rules governing child to provider ratios. The child care provider may allow 25 or more people in the facility only if each group of 25 individuals is in a room separated by walls from other groups in accordance with all rules governing child to provider ratios;

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

   c. 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; logs of the employee screening activity must be kept and made available for inspection by the local health officer;

   d. 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;

e. In the event of a confirmed case of COVID-19 within the facility, the provider shall close the facility and consult with their local county health officer on next steps and when to re-open;

f. The child care provider shall ensure that enrolled children are met at the entrance and that parents, or other individuals dropping off or picking up children, do not enter the facility, unless absolutely necessary; and

g. 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).

6. Child care providers operating under the measures in paragraph 5 shall prioritize providing child care for children of essential personnel. "Essential personnel" include:

a. Staff and providers of childcare and education services, including custodial and kitchen staff and other support staff, who do not do their work remotely;

b. Providers of healthcare including, but not limited to, employees of clinics, hospitals, nursing homes, long-term care and post-acute care facilities, respite houses, designated agencies, emergency medical services, as well as necessary custodial, kitchen, administrative, and other support staff;

c. Criminal justice personnel including those in law enforcement, courts, and correctional services;

d. Public health employees;

e. Firefighters, Wyoming National Guard personnel called to duty for responding to COVID-19, and other first responders;

f. Government (Federal, State, and local) employees determined to be essential for response to the COVID-19 crisis;

g. Active duty military staff;

h. Pharmacy staff;

i. Foster families with children through grade 8;

j. 2-1-1 and 9-1-1 call center staff; critical infrastructure and utility workers, including electrical, plumbing, telecommunications, water, and wastewater operators, workers, and staff;

k. State, municipal, and commercial public works and sanitation crews;

l. Grocery and food supply workers;

m. Supply chain, postal, and delivery drivers and warehouse workers;

n. Manufacturers of medical devices, equipment, testing equipment, and supplies; and

o. Fuel distribution workers.

7. In addition to the measures noted above, a child care center or home daycare that remains open is required to follow all health guidelines from the CDC and Wyoming Department of Health for limiting the risk of transmission of COVID-19, to the extent possible when caring for children.

8. 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 for essential personnel, as described above.

9. All K-12 schools, colleges, universities, and trade schools shall not hold in person classes until no sooner than June 15, 2020, unless an exception is granted under paragraph 11 or a Countywide Variance Order is granted under paragraph 12. Staff and teachers may continue to work in school or facility buildings to facilitate adaptive learning/instruction or to complete required administrative tasks. Food may still be prepared to be made available to those in need.

10. K-12 schools, colleges, universities, and trade schools may provide limited on-site instruction to students who need specialized assistance or services, or for technical courses that require specific equipment for instruction. K-12 schools, universities, colleges, and trade schools offering these services shall operate under the following provisions:

    a. Groups shall be limited to 25 people (students and teachers); the facility shall restrict groups of people to 25 in each separate room; the facility may allow more than 25 people in the facility only if each group of 25 is in a room separated by walls from other groups;

    b. Spacing of at least 6 feet between people must be maintained whenever possible; face coverings shall be worn in situations where 6 feet of separation cannot be maintained;

    c. Students and staff shall be screened each day for symptoms of COVID-19, or exposure to an individual with COVID-19; students or staff who are ill shall not participate in onsite activities; students and staff who have been exposed to a COVID-19 positive person within the previous 14 days shall not be allowed to participate in onsite activities; staff logs of screening must be kept and made available for inspection by the local health officer;

d. All facilities, and surfaces therein, shall be cleaned and disinfected according to CDC guidelines before and after student use;

e. Six foot spacing of students during transportation to and from the facility must be maintained as much as practicable; and

f. Hand hygiene must be performed frequently within the facility.

11. Specific exceptions to the restrictions 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.

12. Countywide variances to the restrictions 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.

13. This Order is entered in conjunction with the statewide public health orders titled "Fifth Continuation, and Modification, of Statewide Public Health Order #2: Regarding Gatherings of More Than Twenty-Five (25) People", entered May 27, 2020, and "Fifth Continuation, and Modification, of Statewide Public Health Order #3 Regarding Nail Salons, Hair Salons, Barber Shops, Massage Therapy Services, Tattoo, Body Art and Piercing Shops, and Cosmetology, Electrology, and Esthetic Services", entered May 27, 2020.

14. This Order supersedes all individual county health orders currently in effect.

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), 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 27 DAY OF May, 2020.

Alexia Harrist
Wyoming State Health Officer