THIRD CONTINUATION, AND MODIFICATION, OF STATEWIDE PUBLIC HEALTH ORDER CLOSING BARS, RESTAURANTS, THEATERS, GYMNASIUMS, CHILD CARE FACILITIES, K-12 SCHOOLS, COLLEGES, UNIVERSITIES, AND TRADE SCHOOLS STATEWIDE

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 begin the process of incrementally lifting certain restrictions in previous statewide public health orders through a measured and data-based approach. This Order continues the closures of certain places that are a source of the spread of COVID-19. However, this Order authorizes countywide variances to the closures mandated 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 authorizes gymnasiums and child care facilities to re-open under certain conditions. This Order is effective on May 1, 2020, and shall remain in effect through May 15, 2020, unless the Wyoming Department of Health revokes or extends this Order before May 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 389 confirmed cases of COVID-19 in Wyoming as of April 28, 2020, as well as the presence of community spread. It is expected that more cases will be diagnosed. There have been 7 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, M.D., 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. The following places of public accommodation are ordered closed to ingress, egress, use, and occupancy by members of the public, except as outlined below:

    a. Restaurants, food courts, cafes, coffeehouses, and other similar places of public accommodation offering food or beverage for on-premises consumption.

b. Bars, taverns, brew pubs, breweries, microbreweries, distillery pubs, wineries, tasting rooms, special licensees, clubs, and other places of public accommodation offering alcoholic beverages for on-premises consumption;

c. Cigar bars;

d. Gymnasiums; and

e. Movie and performance theaters, opera houses, concert halls, and music halls.

2. The following conditions apply to places of public accommodation subject to this Order:

a. Places of public accommodation are encouraged to offer food and beverage using delivery service, window service, walk-up service, curbside delivery, drive-through service, or drive-up service, and to use precautions in doing so to mitigate the potential transmission of COVID-19, including social distancing. Online and telephonic credit card transactions are strongly encouraged (e.g. Venmo, Squarecash, Google Pay, Apple Pay and similar payment apps).

b. Staff who handle cash or credit cards may not be involved in the preparation, handling, or delivery of food.

c. In offering food or beverage, a place of public accommodation may permit up to 5 members of the public at one time in the place of public accommodation for the purpose of picking up their food or beverage orders, so long as those individuals are at least 6 feet apart while on the premises.

d. For hotel restaurants, food items may only be delivered as room service or as described above.

e. Management shall ensure, on a daily basis, that no employee who presents symptoms of illness, or has had close contact with a person with COVID-19 infection during the previous 14 days, will be permitted to work.

3. Gymnasiums may open in a limited capacity, under the following restrictions to be enforced by staff of the facility:

a. Staff of the facility must wear face coverings at all times.

b. Staff must be screened at the beginning of their shift for symptoms of illness, and staff must be screened for exposure to a person with COVID-19 infection during the previous 14 days.

c. Staff with symptoms of illness, or known exposure to a person with COVID-19 infection within the previous 14 days, shall not be allowed to work.

d. The facility must maintain a record of customer usage, by date and time, and a record of staff working hours, by date and time for purposes of COVID-19 tracing in the event contact tracing is necessary. If this record keeping is done manually, sanitizing measures must be taken on the instruments used for record keeping in between use.

e. Close-contact activities are prohibited, including but not limited to one-to-one personal training, close-contact sports, weight lifting requiring "spotters," and any other close-contact activities.

f. Locker rooms must remain closed, except for restrooms.

g. Workout equipment must be no less than 6 feet apart.

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

i. Handwashing stations or hand sanitizer must be readily available for all patrons.

j. No more than 9 patrons are allowed to be in a given room or section at any given time.

k. Group workout classes are prohibited.

l. 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.

m. Swimming pools must be limited to one swimmer per lane.

n. Spas and saunas must remain closed.

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.

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 must restrict groups of people (children and providers) to less than 10 in each separate room. The child care provider can allow 10 or more people in the facility only if each group of less than 10 individuals is in a room separated by walls from other groups.

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

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

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

e. The child care provider must 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.

f. The child care provider must 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 must prioritize providing child care for children of essential personnel. Essential personnel includes:

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. State 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.

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 shall not hold in person classes until no sooner than May 18, 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 buildings to facilitate adaptive learning/instruction or to complete administrative tasks

as directed by school superintendents. Food may still be prepared to be made available to those in need, as directed by school superintendents.

10. All colleges, universities, and trade schools shall not hold in person classes until no sooner than May 18, 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 facility buildings to facilitate adaptive learning/instruction or to complete administrative tasks. Food may still be prepared to be made available to those in need.

11. Specific exceptions to the closures mandated 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.

12. Countywide variances to the closures mandated 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 "Third Continuation, and Modification, of Statewide Public Health Order #2: Forbidding Gatherings of Ten (10) People or More," entered April 28, 2020, and "Third Continuation, and Modification, of Statewide Public Health Order #3: Temporary Closure of Nail Salons, Hair Salons, Barber Shops, Massage Therapy Services, Tattoo, Body Art and Piercing Shops, and Cosmetology, Electrology, and Esthetic Services," entered April 28, 2020.

14. This Order supersedes all individual county health orders currently in effect. To the extent any county health order currently in effect is more restrictive, the more restrictive provisions of the county health order shall continue to apply.

As the State Health Officer, I specifically deem this Order necessary to protect the public health. *See* Wyo. Stat. Ann. § 35-1-240(a)(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 28 DAY OF April, 2020.

Alexia Harrist
Wyoming State Health Officer