STATEWIDE PUBLIC HEALTH ORDER #4: REQUIRING FACE COVERINGS IN CERTAIN PLACES, WITH EXCEPTIONS

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 issuing 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 the previous statewide public health orders and entering this new Order 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 in writing by the County Health Officer and the State Health Officer. This Order specifically requires individuals to wear Face Coverings in certain places, with exceptions.

This Order is effective on December 9, 2020, and shall remain in effect through January 8, 2021, unless the Wyoming Department of Health revokes or extends this Order before January 8, 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 31,561 confirmed cases of COVID-19 in Wyoming as of December 6, 2020, as well as the presence of community spread. It is expected that more cases will be diagnosed. There have been 257 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 the healthcare systems in Wyoming to deliver the necessary healthcare to the public.

9. Respiratory droplets from infected individuals are a major mode of COVID-19 transmission. This understanding is the basis of the recommendations for physical distancing, and of the PPE guidance for healthcare workers. Droplets do not only come from coughing or sneezing; in a-/pre-symptomatic individuals, droplets are generated via talking and breathing.

10. Face Coverings reduce droplet dispersal and cloth-coverings reduce emission of particles by variable amounts.

11. Evidence indicates that wearing Face Coverings reduce the transmissibility per contact by reducing transmission of infected droplets.

12. The most comprehensive, systematic review of meta-analysis of Face Coverings published to date has found that Face Coverings reduce risk of transmission of COVID-19 by an expected 85%.

13. Guidelines published by the CDC on April 3, 2020, recommend that all people wear cloth Face Coverings in public settings where other physical distancing measures may be difficult to maintain. The CDC also advises the use of a simple Face Covering to slow the spread of the virus and help people who may have the virus and do not know from transmitting it to others.

14. 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, including by requiring that Face Coverings be worn in certain places.

15. 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. Pursuant to Wyo. Stat. Ann. § 35-1-240(a)(i), (ii), (iii), and (iv), beginning on December 9, 2020, and continuing through January 8, 2021, unless revoked or extended by the Wyoming Department of Health before January 8, 2021, individuals within the State of Wyoming shall wear a Face Covering in certain places as further described below.

3. "Business" means any business entity (retail or commercial) that employs or engages workers or volunteers.

4. Except as specifically exempted below, all members of the public must wear a Face Covering outside their home or other place of residence in the following situations:

    a. When any person is inside, or in line to enter, any business, or any government facility open to the general public, including state, county, and municipal buildings but excluding federal buildings; or

    b. When any person is obtaining services at, or visiting healthcare operations, including, but not limited to, hospitals, clinics, and walk-in health facilities, dentists, pharmacies, blood banks, other healthcare facilities, behavioral health providers, and facilities providing veterinary and similar healthcare services for animals; or

    c. When any person is waiting for or riding on public transportation or paratransit, or while they are riding in a taxi, private car service, shuttle, tour, or ride-sharing vehicle. The driver shall also wear a Face Covering when passengers are in the vehicle.

5. All businesses must post notices, in a clearly visible location at or near the entrance of the business, stating that Face Coverings are required.

6. All government facilities open to the public, including state, county, and municipal buildings, but excluding federal buildings, must post notices, in a clearly visible location at or near the entrance of the building, that Face Coverings are required.

7. All employees, owners, and volunteers of businesses and employees and volunteers of government facilities open to the public, including state, county, and municipal buildings but

excluding federal buildings, shall wear Face Coverings at their business or government facility when they are within 6 feet of customers, clients, other staff/workers, or volunteers. They must also wear a Face Covering when working or volunteering in a space that could be visited by members of the public, such as by way of example, but not limited to: reception areas, hallways, grocery store aisles, service counters, public restrooms, cashier and checkout areas, waiting rooms, service areas, and other spaces that could be used by members of the public.

8. A Face Covering is not required under the following circumstances:

    a. When a person is in a personal office (a single room) where others outside of that person's household are not present as long as the public does not regularly visit the room, but that individual must put on a Face Covering when they are within 6 feet of a client, customer, volunteer, worker, or other member of the public.

    b. Children who are under 12 years of age. However, children 3 to 11 years of age are encouraged to wear Face Coverings.

    c. When a person is seated at a table of a restaurant or other food service venue, the person is separated by at least 6 feet from other patrons at other tables, and no more than 6 people in total are seated at the table. If more than 6 individuals are seated at the table, but all individuals are members of the same household, this exception applies. This exception also applies if a person is seated at a booth. However, individuals shall wear a Face Covering while entering, exiting, or otherwise moving about the establishment.

    d. When a person is inside or obtaining services at a location engaged primarily in providing congregate care, residential health care, or shelter care, and the individual is engaged in activities not conducive to wearing a Face Covering, such as eating or drinking, or the individual is in an area of that facility that is not designed for community gathering, such as a sleeping area.

    e. If a person has a medical condition, mental health condition, or disability that prevents him or her from wearing a Face Covering. This includes, by way of example, but is not limited to, persons with a medical condition for whom wearing a Face Covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a Face Covering without assistance. A person is not required to provide any documentation demonstrating that the person cannot wear a Face Covering for any medical condition, mental health condition, or disability.

    f. Individuals who are hearing impaired, or communicating with an individual who is hearing impaired, where the ability to see the mouth is essential for communication.

    g. Individuals for whom wearing a Face Covering would create a risk to the individual related to their work, as determined by local, state, or federal workplace safety guidelines.

h. Individuals who are obtaining a service involving the nose or face for which temporary removal of the Face Covering is necessary to perform the service.

i. Individuals who are purchasing a product or receiving a service that requires identification may briefly remove a Face Covering as necessary, so that the retailer or service provider can verify identity.

j. When actively exercising in a gym in accordance with the Statewide Public Health Orders, as amended.

k. When law enforcement asks an individual to remove a Face Covering for identification purposes.

9. Countywide variances to the restrictions in this Order may be granted in the form of a Countywide Variance Order if approved in writing 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.

10. This Order is entered in conjunction with the statewide public health orders titled "Eighteenth Continuation, and Modification, of Statewide Public Health Order Regarding Bars, Restaurants, Theaters, Gymnasiums, Child Care Facilities, K-12 Schools, Colleges, Universities, and Trade Schools", entered December 7, 2020, "Eighteenth Continuation, and Modification, of Statewide Public Health Order #2: Regarding Gatherings of More Than Ten (10) People", entered December 7, 2020, and "Eighteenth 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 December 7, 2020.

11. This Order does not alter but supplements the requirements outlined in the three other statewide public health orders.

12. The Wyoming State Health Officer may grant exceptions to this Order, on a case-by-case basis after evaluating the request.

13. This Order supersedes all individual county health orders requiring Face Coverings.

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 7 DAY OF December, 2020.

Alexia Harrist
Wyoming State Health Officer