State of Utah

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State Public Health Order
2020-20

Updating COVID-19 Transmission Area Restrictions

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) has been characterized by the World Health Organization as a worldwide pandemic caused by Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2), a virus that spreads easily from person to person and can cause serious illness or death;

WHEREAS, COVID-19 has and continues to spread and cause serious illness and death to Utah residents, threatening public health and wellness throughout the state;

WHEREAS, Utah Code §§ 26-1-30(3) requires and authorize the Utah Department of Health (the "Department") to promote and protect the health and wellness of the people within the state;

WHEREAS, Utah Code §§ 26-1-30-(5) and 26-6-3 require and authorize the Department to investigate and control the causes of epidemic, infectious, communicable and other disease to control the causes of epidemic, infectious, communicable, and other diseases affecting the public health;

WHEREAS, Utah Code §§ 26-1-30(6) and 26-6-3 require and authorize the Department to prevent and control communicable infectious, acute, chronic, or any other disease or health hazard that the Department considers to be dangerous, important, or likely to affect the public health;

WHEREAS, Utah Code § 26-1-10 authorizes the executive director of the Department to issue public health orders to enforce state laws, including Utah Code §§ 26-1-30 and 26-6-3;

WHEREAS, to prevent and control the causes of COVID-19 throughout the state, the Department has established minimum standards to address the unique circumstances in different locations in Utah;

WHEREAS, the Department previously released and updated the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation ("Phased Guidelines"), providing a color-coded health guidance system , to guide economic engagement while still protecting public health;

WHEREAS, the number of COVID-19 cases in Utah has sharply increased;

WHEREAS, Utah is experiencing a significant increase in the use of medical resources;

WHEREAS, new minimum standards are needed to prevent and control the rapidly changing consequences of COVID-19 throughout the state;

WHEREAS, the Department has created the Utah COVID-19 Transmission Index, to replace the Phased Guidelines, to more effectively prevent and control the causes of COVID-19 and protect public health and wellness and guide economic engagement;

WHEREAS, the Centers for Disease Control (CDC) has called on Americans to wear face coverings, with the CDC director stating that "[c]loth face coverings are one of the most powerful weapons we have to slow and stop the spread of the virus—particularly when used universally within a community setting," and that "[a]ll Americans have a responsibility to protect themselves, their families, and their communities";

WHEREAS, analysis by Brigham Young University researchers reviewing more than 115 studies on the effectiveness of masks in controlling COVID-19 found that "[t]here is clear evidence that face coverings reduce the spray of droplets produced during speaking, coughing, and sneezing" and that "masks could be one of the most powerful and cost-effective tools to stop COVID-19 and accelerate the economic recovery";

WHEREAS, published scientific research has shown that the probability of transmission during exposure between a person infected with COVID-19 to an uninfected person is 17.4% if face coverings are not worn, and 3.1% if face coverings are worn.

Based on the foregoing, in accordance with the authority vested in me as the Interim Executive Director of the Utah Department of Health by Utah Code §§ 26-1-10, 26-1-30, and 26-6-3, and being fully advised and finding the factual basis and legal requirements have been established;

NOW, THEREFORE, I, Richard Saunders, Interim Executive Director of the Utah Department of Health, hereby order the following:

1. **Definitions.** As used in this Order:
    a. "Department" means the Department of Health created in Utah Code § 26-1-8.
    b. "Event host" means a person that owns, operates, provides facilities for, or has formal oversight over any of the following where a social gathering occurs: an amusement or water park, arena, aquarium, aviary, botanical garden, ceremony, cinema, comedy club, commercial event venue, commercial party venue, concert or concert hall, conference, convention or convention center, dance or dance hall, driver's education training, fair or fairground, museum, organized athletic or sporting event, recital, stadium, theater, or zoo.
    c. "Face mask" means a mask that completely covers the nose and mouth, is made of synthetic or natural fabrics, and fits snugly against the nose and sides of the face and under the chin. "Face mask" does not include a mask with an exhalation valve, vent, or other hole or opening, or a mask that is crocheted or made of lace, mesh, or similar open weblike construction or material.
    d. "Face shield" means a shield that covers the entire face—including the eyes, nostrils, and mouth of the wearer—is made of clear plastic or similar nonpermeable transparent material, and can be used in conjunction with a face mask for enhanced protection.
    e. "Household" means an individual or a group of individuals who reside in the same residence.
    f. "Person" means the same as that term is defined in Utah Code § 68-3-12.5(18).
    g. "Public setting" means any area, whether inside or outside a building or other enclosure, that is not a private residence or vehicle, and is open for simultaneous use by two or more individuals not of the same household for business, education, recreation, transportation, or similar purposes, including a "public place" as defined in Utah Code § 76-9-102 and a "place of public accommodation" as defined in Utah Code § 13-7-2(3) and 42 U.S.C. § 12181.
    h. "Social gathering" means an in-person gathering of individuals from separate households. "Social gathering" does not include a gathering for a primarily educational or religious purpose.
2. **Transmission area determination.** The Department shall announce each county's transmission area designation on a weekly basis as provided in this Section (2) and provide notice of transmission area designations on the Department's website. The Department may not lower a county's transmission area designation until 14 days after the date of the county's last transmission area designation.
    a. *Low Transmission Area.* A county is a Low Transmission Area if at least two of the following conditions are met:
        i. The county's seven-day average positivity rate for COVID-19 tests is less than 6%.
        ii. The county's 14-day case rate is less than 101 per 100,000 people.

iii. The statewide seven-day average intensive care unit bed utilization is less than 69% and the statewide seven-day average COVID-19 ICU utilization rate is less than 6%.

b. *Moderate Transmission Area.* A county is a Moderate Transmission Area if at least two of the following conditions are met:
   i. The county's seven-day average positivity rate for COVID-19 tests is at least 6% and is less than 13%.
   ii. The county's seven-day case rate is at least 101 per 100,000 people and is less than 325 per 100,000 people.
   iii. The statewide seven-day average intensive care unit bed utilization is at least 69% and is less than 72% and the statewide seven-day average COVID-19 ICU utilization rate is at least 6% and is less than 15%.

c. *High Transmission Area.* A county is a High Transmission Area if at least two of the following conditions are met:
   i. The county's seven-day average positivity rate for COVID-19 tests equals or exceeds 13%.
   ii. The county's 14-day case rate equals or exceeds 325 per 100,000 people.
   iii. The statewide seven-day average intensive care unit bed utilization is or exceeds 72% and the statewide seven-day average ICU utilization rate equals or exceeds 15%.

3. **Transmission area restrictions.**

a. *Low Transmission Area restrictions.* The following restrictions apply in a county designated as a Low Transmission Area:
   i. An individual may not attend a social gathering of more than 50 individuals unless each individual attending the social gathering wears a face mask.
   ii. An event host of a social gathering shall:
      A. require each individual attending the social gathering to wear a face mask; and
      B. complete the Event Management Template provided by the Department.
   iii. A business, including a bar or restaurant, shall conspicuously post signage at each entrance to the business that lists COVID-19 symptoms, asks employees and customers experiencing COVID-19 symptoms to stay home, and provides notice of physical distancing requirements.
   iv. When not acting as an event host, a business other than a bar or restaurant shall require each household to maintain six feet physical distance from any other household unless each member of each household wears a face mask.

b. *Moderate Transmission Area restrictions.* The following restrictions apply in a county designated as a Moderate Transmission Area:

i. An individual may not attend a social gathering of more than 25 individuals unless each individual attending the social gathering wears a face mask.

ii. An event host of a social gathering shall:

A. require each individual attending the social gathering to wear a face mask;

B. complete the Event Management Template provided by the Department; and

C. require six feet of physical distance between individuals from separate households who attend the social gathering unless the event host receives a waiver of this requirement from the county executive in consultation with the local health officer.

iii. A business, including a bar or restaurant, shall conspicuously post signage at each entrance to the business that lists COVID-19 symptoms, asks employees and customers experiencing COVID-19 symptoms to stay home, and provides notice of physical distancing requirements.

iv. When not acting as an event host, a business other than a bar or restaurant shall require each household to maintain six feet physical distance from any other household unless each member of each household wears a face mask.

v. A bar shall limit occupancy to 75% of legal capacity.

c. *High Transmission Area restrictions.* The following restrictions apply in a county designated as a High Transmission Area:

i. An individual shall wear a face mask while in a public setting and within six feet of any individual from a separate household.

ii. An individual may not attend a social gathering of more than 10 individuals, except at a:

A. business, including a bar or restaurant, when the business is not acting as an event host; or

B. social gathering with an event host.

iii. An event host of a social gathering shall:

A. require each individual attending the social gathering to wear a face mask;

B. complete the Event Management Template provided by the Department; and

C. require six feet of physical distance between individuals from separate households who attend the social gathering unless the event host receives a waiver of this requirement from the county executive in consultation with the local health officer.

iv. A business, including a bar or restaurant, shall conspicuously post signage at each entrance to the business that lists COVID-19 symptoms, asks

employees and customers experiencing COVID-19 symptoms to stay home, and provides notice of physical distancing requirements.

v. When not acting as an event host, a business other than a bar or restaurant shall require each household group to maintain six feet physical distance from any other household unless each member of each household group wears a face mask.

vi. When not acting as an event host, a bar or restaurant shall require six feet of physical distance between each party, including in waiting and seating areas.

4. **Face mask exceptions.**

a. Notwithstanding any other provision of this Order, an individual who is otherwise required by this Order to wear a face mask may remove the face mask in the following situations:

i. while actively eating or drinking;

ii. while as the sole occupant of a room, cubicle, or similar enclosure;

iii. when communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means and the speaker wears a face shield or uses alternative protection such as a plexiglass barrier;

iv. while obtaining or providing a service that requires the temporary removal of the face mask, such as dental services or speech therapy services;

v. while sleeping;

vi. while exercising outdoors, or while exercising indoors and maintaining more than six feet from any other individual from a separate household;

vii. while swimming or on duty as a lifeguard;

viii. while performing as an athlete at an organized athletic event;

ix. while giving a religious, political, media, educational, artistic, cultural, musical, or theatrical presentation or performance for an audience;

x. when engaging in work where wearing a face mask would create a risk to the individual, as determined by government safety guidelines;

xi. when necessary to confirm the individual's identity, including when entering a bank, credit union, or other financial institution; and

xii. when federal or state law or regulations prohibit wearing a face mask.

b. The following individuals are exempt from the face mask requirements in Section (3):

i. a child who is younger than three years old;

ii. an individual who is unconscious, incapacitated, or otherwise unable to remove the face mask without assistance; and

iii. an individual with a medical condition, mental health condition, or intellectual or developmental disability, that prevents the individual from wearing a face mask; and

iv. an individual who is incarcerated.

5. **Local education agencies.** A local education agency is not subject to the provisions of Section (3). A local education agency shall comply with the requirements of the "Planning Requirements and Recommendations for K-12 School Reopening," created by the Utah State Board of Education.
6. **Religious services.** This Order does not apply to a religious service. Faith-based organizations are encouraged to implement protocols to mitigate the spread of COVID-19.
7. **Effect on other laws.**
    a. To the extent that any provision of this Order conflicts with a provision of State Public Health Order 2020-11 or State Public Health Order 2020-12, the provisions of State Public Health Order 2020-11 or State Public Health Order 2020-12 shall control.
    b. Nothing in this Order may be construed to prohibit a local health department from issuing a health order that is more stringent than this Order.
8. **Severability.** If a provision of this Order or the application of a provision to any person or circumstance is held invalid, the remainder of this Order shall be given effect without the invalid provision or application. The provisions of this Order are severable.

This Order is effective on October 30 and shall remain in effect through November 12, 2020, unless otherwise modified, amended, rescinded, or superseded.

Made at 5:00 p.m. the 29th day of October, 2020.

Richard G. Saunders
Interim Executive Director
Utah Department of Health