State of Utah

GARY R HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Utah Department of Health
Executive Director's Office

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STATE PUBLIC HEALTH ORDER

WHEREAS, on March 6, 2020, Governor Gary R. Herbert issued an executive order declaring a state of emergency due to novel coronavirus disease 2019 (COVID-19);

WHEREAS, the Governor's executive order recognizes the need for state and local authorities, and the private sector to cooperate to slow the spread of COVID-19;

WHEREAS, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic;

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national state of emergency based on the continuing spread of COVID-19;

WHEREAS, on March 16, 2020, President Trump and the White House Coronavirus Task Force issued guidelines to help protect Americans during the global COVID-19 outbreak.

Based on the foregoing, in accordance with the authority vested in me as the 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 that the factual basis and legal requirements have been established;

NOW, THEREFORE, I, Joseph K. Miner, M.D., Executive Director of the Utah Department of Health, hereby order the following:

1. **Restaurants, Bars, and Taverns.** Effective immediately, all food service, restaurants, self-serve buffets, salad bars, unpackaged self-serve food services, bars, taverns, nightclubs, private liquor clubs, and saloons in the state of Utah (hereinafter, "food service establishments") shall immediately close to members, guests, patrons, customers, and the general public. Notwithstanding the foregoing, food service may operate on a limited basis subject to the following operational restrictions and prohibitions:

a. Dine-in food service, whether inside or outside a food service establishment, is prohibited.
b. Take-out food service is permitted only if the food order is placed remotely by electronic means such as by internet or phone app or by telephone. A take-out food order may not be placed inside the food service establishment. A food service establishment may not admit a member, guest, patron, or customer inside the food service establishment except to pick up food for take out.

c. Drive-through food service is permitted.
d. Where possible, online (e.g., Venmo, Squarecash, Google Pay, Apple Pay) and telephonic credit card transactions are strongly encouraged. Cash payments are strongly discouraged.
e. An employee who handles cash or a credit card shall use cleansing measures between each transaction, including using any best practices issued by the Department or the Local Health Authority. An employee who handles cash or a credit card may not participate in food preparation, handling, or delivery.
f. A hotel may not serve a complimentary meal other than a prepackaged, take-out meal that is eaten in an area other than a common area of the hotel.
g. Third-party delivery service (e.g., Uber Eats and DoorDash) is permitted except as otherwise prohibited or restricted by the Local Health Authority in coordination with the Department. An employee of a third-party delivery service shall avoid physical contact with any customer. An employee of a third-party delivery service may not engage in any delivery service if the employee presents any symptom of illness consistent with COVID-19. An employee of a third-party delivery service shall use cleansing measures between each transaction, including using any best practices issued by the Department or the Local Health Authority.
h. Management of a food service establishment shall ensure, on a daily basis and at the beginning of each shift, that no employee who presents any symptom of illness consistent with COVID-19 is permitted to work.
i. This Order does not restrict convenience stores from selling a hot food item or a self-serve drink. A convenience store that chooses to sell a hot food item or a self-serve drink shall cleanse high-touch surface areas using any best practices issued by the Department or the Local Health Authority.

2. Access to long-term care facilities shall be governed by the guidance issued by the Centers for Medicare and Medicaid Services, Center for Clinical Standards and Quality.

Due to the circumstances and the continuing spread of COVID-19, the Department or the Local Health Authority shall immediately close all business activity at any establishment that knowingly violates any provision of this Order or an Order of the Local Health Authority.

In addition to the above orders, I make the following recommendations which are not enforceable by law but are effective in preventing and controlling the spread of COVID-19.

1. **Recommendations about Mass Gatherings.** The Department recommends the following for mass gatherings:

a. An individual who exhibits any symptom of illness consistent with COVID-19 should withdraw from or be excluded from any physical social event or gathering, regardless of the size of the event or gathering.
b. Each individual and business should follow the March 16, 2020, White House recommendation to avoid any social event or gathering of more than 10 people.
i. This recommendation does not apply to critical government services such as fire, police, emergency response, and court services, or to other necessary services such as hospitals,

domestic violence shelters, homeless shelters, grocery stores, convenience stores, stores that sell other commodities, gas stations, and the shipping, transportation, and airline industries. These industries are encouraged to use appropriate precautions to prevent and control the spread of COVID-19, and are also encouraged to make critical services available.

ii. This recommendation should not be interpreted to suggest that a business should not have more than 10 employees in a single location, however businesses are encouraged to follow the additional recommendations below.

iii. This recommendation does not apply to a family with more than 10 people in the same household.

iv. This recommendation does not apply to a licensed or contracted residential care provider.

2. **Recommendations for Individuals.** The Department recommends the following for individuals:

a. If an individual has tested positive for COVID-19, each member of the individual's household should self-isolate.

b. Each individual should refrain from entering assisted living facilities and retirement homes except to provide critical assistance.

c. Each individual who is over the age of 60 or who is immunocompromised should avoid contact with any other individual except to receive critical assistance.

d. Each individual should avoid discretionary travel, gymnasiums, shopping trips (other than shopping for food and other essentials), and social visits.

3. **Recommendations for Businesses.** The Department recommends the following for businesses:

a. Where possible, a business should encourage its employees to telecommute.

b. If telecommuting is not possible or practicable, a business should review and implement industry best practices with regard to physical distancing in the workplace, including:

i. grouping employees into cohorts of no more than ten individuals that have limited contact with the other cohorts in the workplace;

ii. encouraging employees to avoid close contact with other individuals; and

iii. when close contact is necessary, encouraging employees to follow good hygienic practices of keeping distances between individuals to a minimum of six feet, engaging in appropriate regular and frequent hand washing and sanitizing, engaging in regular and frequent disinfecting of high-touch surfaces, avoiding physical contact with other individuals, and avoiding any touching of hands to any part of the face.

b. An employee who handles cash or a credit card should use cleansing measures between transactions, including using best practices issued by the Department. Cash transactions are discouraged but not prohibited. Where possible, online (e.g., Venmo, Squarecash, Google Pay, Apple Pay) and telephonic credit card transactions are strongly encouraged.

c. Management should screen each employee, on a daily basis and at the beginning of each shift, for any symptom of illness consistent with COVID-19. An employee who presents any symptom of illness consistent with COVID-19 should be excluded from the physical premises of the business.

d. A member, guest, patron, or customer who presents any symptom of illness consistent with COVID-19 should be excluded from the physical premises of the business.
e. A business that serves a customer in person should use cleansing measures on high-touch surfaces and equipment, including using best practices issued by the Department.

4. **Recommendation to Local Health Authorities.** The Department recommends each Local Health Authority to coordinate with local businesses and appropriate industry associations in establishing orders and recommendations that will govern food and beverage service providers and other businesses upon the termination of this Order.

5. **Recommendation to Local Prosecutors.** The purpose of this Order is to protect individuals' health and not to hold them criminally liable. Prosecutors are encouraged to exercise discretion in making any charging decisions due to a violation of this Order.

This Order supersedes the order issued by the Department on March 17, 2020.

Duration. This Order is declared and effective immediately and shall remain in effect through April 1, 2020, unless further extended.

Made at __2:30___PM this _21st__day of March, 2020
Joseph K . Miner, M.D., Executive Director
Utah Department of Health

Joseph K. Miner, MD