State of Utah

GARY R HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Utah Department of Health
Executive Director's Office

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Deputy Director

State Public Health Order
2020-13
Utah COVID-19 Level of Restriction

WHEREAS, on March 6, 2020, Governor Gary R. Herbert issued Executive Order 2020-1, declaring a state of emergency to facilitate the State's response to Novel Coronavirus Disease 2019 (COVID-19);

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States, issued the Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak;

WHEREAS, on August 20, 2020, the state of emergency declared in Executive Order 2020-1 expired, and Governor Gary R. Herbert issued Executive Order 2020-51, declaring a new state of emergency due to the ongoing and evolving circumstances of the COVID-19 pandemic;

WHEREAS, on September 19, 2020, the state of emergency declared in Executive Order 2020-51 expired, and Governor Gary R. Herbert issued Executive Order 2020-63, declaring a new state of emergency due to the ongoing and evolving circumstances of the COVID-19 pandemic;

WHEREAS, 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, on September 11, 2020, Governor Gary R. Herbert issued Executive Order 2020-62, updating and extending the Utah COVID-19 Level of Restriction to mitigate the spread of COVID-19;

WHEREAS, recent data show a large increase in the transmission rate of COVID-19 in Utah and the Utah State Epidemiologist announced that Utah is experiencing a dramatic rise in the spread of COVID-19 across Utah;

WHEREAS, the Utah Department of Health and Governor Gary R. Herbert have determined that it is appropriate that the Utah Department of Health establish minimum standards to address a statewide public health emergency and recognize the need for local authorities to impose directives and orders to address the unique circumstances in different locations in Utah;

WHEREAS, the Utah Department of Health has released and updated the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation, which provide a color-coded health guidance system (hereinafter, "Utah COVID-19 Level of Restriction"), to guide economic engagement while still protecting public health;

WHEREAS, under Utah Code §§ 26-1-30(3), (5), and (6), the Utah Department of Health has the power and duty to promote and protect the health and wellness of the people within the state; to control the causes of epidemic, infectious, communicable, and other diseases affecting the public health; and 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.

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. As used in this Order:
    a. "Person" means the same as that term is defined in Utah Code § 68-3-12.5(18).
    b. "Phased Guidelines" means the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation version 4.11.
2. The Utah COVID-19 Level of Restriction is:
    a. Minimal Level of Restriction (Green) in Beaver County, Box Elder County, Carbon County, Daggett County, Duchesne County, Emery County, Garfield County, Kane County, Millard County, Piute County, Sevier County, Uintah County, and Wayne County; and
    b. Low Level of Restriction (Yellow) in each area of the State not identified in Subsection (2)(a).
3. The provisions of the Phased Guidelines apply as follows:
    a. Each person in an area identified in Subsection (2)(a) shall comply with the Minimal Level of Restriction (Green) provisions of the Phased Guidelines;
    b. Each person in an area identified in Subsection (2)(b) shall comply with the Low Level of Restrictions (Yellow) provisions of the Phased Guidelines; and
    c. Notwithstanding any other provision of Section (3), any reference in the Phased Guidelines to the use of a mask or face covering is adopted:
        i. as an order for:

A. each individual who is acting in the capacity as an employee of a business when the individual is unable to maintain a distance of six feet from another individual; and
B. each individual in a healthcare setting; and

ii. as a strong recommendation for any individual not identified in Subsection (3)(c)(i).

4. A political subdivision desiring an exception to this Order or the Phased Guidelines or desiring to move to a different level of restriction shall submit the request and justification for the request through the applicable Local Health Department to the Utah Department of Health. The Utah Department of Health shall consult with the Office of the Governor as necessary.
5. Notwithstanding Subsections (3) or (4), a political subdivision desiring to adopt a mandatory face covering requirement may do so without prior approval from the Utah Department of Health by notifying the Utah Department of Health of their intent to adopt the requirement.
6. 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.

This Order is effective immediately and shall remain in effect until 11:59 p.m. October 19, 2020, unless otherwise modified, amended, rescinded, or superseded.

Made at 5:30 pm the 18th day of September, 2020.

Richard G. Saunders
Interim Executive Director
Utah Department of Health