
COUNTY COUNCIL, COUNTY MANAGER, AND BOARD OF HEALTH
IN AND FOR SUMMIT COUNTY, STATE OF UTAH

In the matter of:

COVID-19 Pandemic within Summit County

**JOINT PUBLIC HEALTH ORDER
(Stabilization Phase)**

Order No.: 2020-08 (Amended)

Date: July 1, 2020

Legal Authority: Utah Code §26A-1-114
Utah Code §17-50-
302(1)(a)(ii)
Summit County Code
§4-5-6(A)

The Summit County Health Officer (“**SCHO**”) issued his Public Health Order 2020-01 on March 15, 2020.

The SCHO issued his Public Health Order 2020-02 on March 23, 2020.

The SCHO, Summit County Council (“**Council**”), and the Summit County Manager (“**Manager**”) (together, the “**County**”) issued their Joint Public Health Order 2020-03 (the “**Stay-at-Home Order**”) on March 25, 2020.

The SCHO issued his Amended Public Health Order 2020-04 on March 31, 2020, which extended Public Health Order 2020-01 and 2020-02 to be co-terminus with the Stay-at-Home Order.

The Governor of the State of Utah has issued his “Utah Leads Together (Version 3)” and “Phased Guidelines for the General Public and Businesses to Maximize Community Health and Economic Re-activation” (together, the “**Utah Leads Together Plan**”).

The Utah Leads Together Plan lays out three-phases to the COVID-19 (coronavirus) pandemic response: “**Urgent Phase**,” “**Stabilization Phase**,” and “**Recovery Phase**.” The Urgent Phase directs resources and regulations aimed at stopping the spread of the virus and ensures that our health care system does not become overwhelmed. The Stabilization Phase transitions into an effort to mitigate the spread of the virus, while simultaneously re-activating the economy step-by-step. To assist in this effort, an operational dashboard has been provided,

which establishes a color-coded health guidance system. This system consists of four levels: High Risk (red), Moderate Risk (orange), Low Risk (yellow), and New Normal (green).

The County issued its Joint Public Health Order 2020-05 with an effective date of May 1, 2020, which transitioned the risk level in the County from High Risk (red) to Moderate Risk (orange) with community specific protocols for businesses and industries.

The County issued its Joint Public Health Order 2020-06 with an effective date of May 16, 2020, which set forth that the County remain at Moderate Risk (orange) with community specific protocols for food service, lodging and accommodations, indoor recreational facilities, and arts, special events, and entertainment.

The County issued its Joint Public Health Order 2020-07 on May 21, 2020, which transitioned the County from Moderate Risk (orange) to Low Risk (yellow), and adopted the Utah Leads Together Plan, inclusive of its updated and amended Phased Guidelines for the General Public and Businesses to Maximize Community Health and Economic Re-activation (the “**Phased Health Guidelines**”).

Version 4.6 of the Phased Health Guidelines requires that in public settings “face coverings are to be worn when physical distancing is not feasible.” Further, the Phased Health Guidelines stress that “[w]hile wearing face coverings has proven to be somewhat effective in slowing the spread of COVID-19, they will not completely eliminate the risk of COVID-19 spread. Therefore, sound judgment, physical distancing and hygiene practices are important principles that must accompany appropriate use of face coverings.” The Governor’s Executive Order 2020-32, dated June 19, 2020, which adopted Version 4.6 of the Phased Health Guidelines, provides that the wearing of a face covering is a “strong recommendation.”

The number of positive tests of COVID-19 in the State of Utah has been spiking since May 27, 2020, with a rate exceeding that in our neighboring State of Colorado by 350%, COVID-19 patients in Utah hospitals have increased from an average of 90 to 150 during the month of June, and Intermountain Health Care, which runs the Park City Hospital (the County’s sole hospital provider), reports that if current trends continue it will run out of conventional ICU capacity in July. Further, the percent of positive cases from testing has increased from 4.96% to 9.23% over this same period. The 7-day rolling average of new cases in Utah continues to be greater than 400.

Dr. Angela Dunn, the state’s epidemiologist, indicated in a June 19, 2020 memorandum, that if the rolling 7-day average of new cases is not reduced to 200 by July 1, we as a state, may need to start transitioning back to Moderate Risk (orange). Dr. Dunn recommended that mandatory mask wearing be implemented as a way to stem this current trajectory of new COVID-19 cases.

Summit County continues to have a case rate of 1,104.1 per 100,000 population, the third highest in the state. The County's Proximity Transmission Rate is at 2.5, and has been above the state goal of 1.5 continuously since June 10. The proportion of positive cases related to travel has steadily increased from 0% on Memorial Day to 13% today. The County has had nine (9) consecutive days of increased new (incidence) cases, based on the CDC 3-day average methodology. Additionally, the County has experienced an increase in Positivity Test Rates from 2.5% on June 12 to 4% on June 21, exceeding the state target of 3%.

While these data may not be as dire at this moment as some surrounding jurisdictions, all the trends are unfavorable. Summit County is a location to which people travel, often from areas experiencing rapid disease spread. Based on the current adverse County data trends, and the surging cases in surrounding counties, the best strategy to averting a future business shutdown is through a mandatory mask measure.

The business community and resort economy in Summit County simply cannot endure a return to Moderate Risk (orange) without suffering catastrophic economic damage. The County needs an expedient solution. Dr. Dunn's recommendation of mandatory mask regulations provides the County with one that could be implemented immediately. Such a regulation also reflects the general opinion of members of the Park City Chamber of Commerce, according to a recent, informal poll.

According to the most recent guidance from the CDC, they "advise the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others."¹ An article appearing in the Wall Street Journal noted that health agencies have identified "respiratory-droplet contact as the major mode of Covid-19 transmission;²" thus adding support for the use of face masks. Further, "[e]vidence from 10 studies (across all three viruses, including 2,647 participants) found benefits for face masks in general (risk of infection or transmission when wearing a mask was 3% vs 17% when not wearing a mask)."³ In fact, a recent study found decreased mortality rates associated with face coverings.⁴

¹ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>

² Daniela Hernandez, Sarah Toy, and Betsey McKay, "How Exactly Do You Catch Covid-19? There Is a Growing Consensus," *The Wall Street Journal* (June 16, 2020).

³ "Physical distancing, face masks, and eye protection to prevent person-to-person transmission of SARS-CoV-2 and Covid 19: a systematic review and meta-analysis," DK Chu, MD; EA Aki, MD; S Duda, MSc; K Solo, MSc, et. al. *The Lancet* (Open Access Published June 01, 2020).

⁴ Leffler, Christopher & Ing, Edsel & Lykins, Joseph & Hogan, Matthew & McKeown, Craig & Grzybowski, Andrzej. (2020). Association of country-wide coronavirus mortality with demographics, testing, lockdowns, and public wearing of masks (Update June 15, 2020). <https://www.researchgate.net/community/COVID-19>

In order to stem the acceleration of the spread of COVID-19 and prevent a possible return to Moderate Risk (orange), it is necessary for the citizen populace to wear face coverings in certain public settings regardless of social distancing.

The County requested and has received an exemption from the Governor's Executive Order 2020-32, which allows the County to impose a mandatory face covering order.

The County issued its Joint Public Health Order 2020-08 on June 26, 2020. Since issuing such, the County has discovered that face shields provide adequate protection from the transmission of COVID-19.

THEREFORE, PURSUANT TO UTAH CODE §26A-1-114, UTAH CODE §17-50-302, SUMMIT COUNTY CODE §5-4-6, AND SUMMIT COUNTY CODE OF HEALTH §1-1-10(b), BE IT HEREBY ORDERED BY RICHARD C. BULLOUGH, PHD, SUMMIT COUNTY HEALTH OFFICER, THE SUMMIT COUNTY COUNCIL, AND THOMAS C. FISHER, SUMMIT COUNTY MANAGER, IN CONSULTATION WITH THE SUMMIT COUNTY BOARD OF HEALTH, AS FOLLOWS:

Section 1. **Purpose.** The intent of this Amended Order is to require all individuals living within or visiting Summit County, Utah, to wear Face Coverings or Face Shields while inside publicly accessed indoor establishments. All provisions of this Amended Order shall be interpreted to effectuate this intent.

Section 2. **Definitions.**

- 2.1 "Face Covering" means a cloth, paper, or disposable face covering that completely covers the nose and the mouth.
- 2.2 "Face Shield" means a clear plastic shield that covers the forehead, extends below the chin, and wraps around the sides of the face.

Section 3. **Face Coverings and Face Shields Mandatory.** The County hereby orders all individuals currently living within or visiting Summit County, Utah, to wear a Face Covering or Face Shield in the following circumstances:

- 3.1 Inside of, or in line to enter, any indoor space, which is open to members of the public;
- 3.2 Obtaining services from the healthcare industry in settings, including without limitation, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank, unless directed otherwise by a healthcare provider;

- 3.3 Employees, staff, or volunteers engaging in work, whether inside or outside at the workplace or performing work off-site, when:
 - 3.3.1 Interacting in-person with any member of the public;
 - 3.3.2 Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time.
 - 3.3.3 Working in any space where food is prepared or packaged for sale or distribution.
- 3.4 At all community gatherings, indoor or outdoor, which is defined as a gathering of over fifty (50) people in any one location.

Section 4. Exemptions. The following individuals are exempt from wearing a Face Covering or Face Shield:

- 4.1 Individuals age two years or under.
- 4.2 Individuals with a medical condition, mental health condition, or disability that prevents wearing a Face Covering or Face Shield.
- 4.3 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.
- 4.4 Individuals for whom wearing a Face Covering or Face Shield would create a risk to the individual related to their work, as determined by local, state or federal regulators or workplace safety guidelines.
- 4.5 Individuals who are obtaining a service involving the nose or face for which temporary removal of the Face Covering or Face Shield is necessary to perform the service.
- 4.6 Individuals who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking.
- 4.7 Individuals who are purchasing a product or receiving a service that requires identification may briefly remove a Face Covering or Face Shield, as necessary, so that the retailer or service provider can verify identity.
- 4.8 Because children between the ages of two (2) and twelve (12) years of age can have challenges wearing a Face Covering or Face Shield properly (e.g., excessively touching the Face Covering, not changing the Face Covering if

visibly soiled, risk of strangulation or suffocation, etc.), they are to be worn with the assistance and close supervision of an adult. Face Coverings or Face Shields are never to be worn by children when sleeping.

- 4.9 Individuals engaging in work where they are alone in an indoor establishment or facility.
- 4.10 As approved by the Summit County Health Department, where either:
 - 4.10.1 other effective mitigation can be implemented in lieu of a Face Covering or Face Shield; or
 - 4.10.2 it can be shown that on balance the overall health risks associated with wearing a Face Covering or Face Shield during an activity is greater than the overall health risks associated with not wearing a Face Covering or Face Shield during said activity.

Section 5. Posting. All businesses open to the public where Face Coverings or Face Shields are required hereunder, shall post a notice in form and substance promulgated by the Summit County Health Department, in a clearly visible location at or near the entrance to such place of business, that declares that Face Coverings or Face Shields are to be worn by order of the Summit County Health Department.

Section 6. Effective Date; Duration. This Amended Order shall become effective at 12:01 a.m. on July 2, 2020, and will continue to be in effect until 11:59 p.m. on September 1, 2020, or until it is extended, rescinded, superseded, or amended in writing. This Amended Order shall be re-evaluated in fourteen (14) calendar days.

Section 7. Publication. This Amended Order shall be on file for public inspection with the Summit County Clerk and the Summit County Health Department.

Section 8. Enforcement. The County Sheriff and Chiefs of Police within the County are directed to ensure compliance with and enforce this Amended Order. Violations of this Amended Order shall be punished as an infraction. Notwithstanding such, the purpose of this Amended Order is to protect individuals' health and not to hold them criminally liable. Discretion will be used in the citing and prosecution of violations of this Amended Order.

Section 9. Appeal. This Amended Order may be appealed to the Summit County Board of Health within ten (10) calendar days in accordance with Summit County Code of Health §1-1-9.

ORDERED, APPROVED, ADOPTED, and PASSED, and published, this 1st day of July, 2020.

SUMMIT COUNTY COUNCIL



Doug Clyde, Chair

Attest:



Kent Jones
Summit County Clerk

VOTING OF COUNTY COUNCIL:

Councilmember Carson	Aye
Councilmember Robinson	Aye
Councilmember Clyde	Aye
Councilmember Armstrong	Aye
Councilmember Wright	Aye

Approved as to form:



Margaret H. Olson
Summit County Attorney

BY ORDER OF THE SUMMIT COUNTY MANAGER



Thomas C. Fisher
Summit County Manager

BY ORDER OF THE SUMMIT COUNTY HEALTH OFFICER



Richard C. Bullough, PhD
County Health Officer