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Director of Public Health - Business and Individual Guidelines for Social Distancing and Re-Opening

The intent of this order is to provide standards for individual conduct while in public and for business operations with the goal to decrease transmission of COVID-19. This Order sets forth guidelines for individuals when they are in public.

- May 8, 2020
- Public Health Orders

St. Louis County Department of Public Health 2019 Novel Coronavirus (“COVID-19”) Business and Individual Guidelines for Social Distancing and Re-Opening

I. Background

The St. Louis County Department of Public Health (“DPH”) has been closely monitoring the global pandemic caused by a viral respiratory illness called COVID-19. Infections with COVID-19 have been reported around the world. The first confirmed instance of person-to-person spread of the virus in the United States was reported on January 30, 2020. The first confirmed instance of COVID-19 in St. Louis County was reported on March 7,

2020. A state of emergency was declared in St. Louis County on March 13, 2020, resulting in several executive orders and DPH orders, policies, and rules to implement those executive orders.

COVID-19 is considered an infectious, contagious, communicable, and dangerous disease for purposes of §§ 192.020-1, 192.139, & 192.300, RSMo., 19 CSR 20-20.020, and other state and local laws. The DPH's director is the "local health authority" under 19 CSR 20-20.050(1) pursuant to 19 CSR 20-20.010(26), Section 4.130 of the Charter, and Section 600.010 SLCRO, and has been delegated the authority to act on St. Louis County's behalf for the public health purposes described in § 192.300, RSMo.

The virus is easily transmitted, especially in group settings, and the disease can lead to significant illness, need for hospital care, and death, with those of older age and those with chronic medical conditions being most significantly impacted. To mitigate the harm to the citizens of the County from the pandemic, St. Louis County issued a Stay at Home Order on March 23, 2020, as further amended in subsequent orders, imposing limitations on individual and business activity to certain essential activities. Other jurisdictions in the St. Louis area and ultimately the State of Missouri joined in adopting similar stay at home orders.

The collective efforts of St. Louis County, surrounding jurisdictions and many regional partners to increase access to testing, educate the public, perform case investigations and monitoring, and focus on protection of the most vulnerable residents has reduced rates of transmission and hospitalizations; however, danger to the health and welfare of the community continues. As of the date of this Order, infection and hospitalization rates have not shown sustained decrease in all areas; testing availability, while improved, is still limited; there is not yet a known treatment or vaccination against the virus that causes COVID-19; the healthcare system remains susceptible to being overwhelmed; and it is unknown the level of immunity that exists among the residents of St. Louis County. As such, it is imperative that St. Louis County continue to provide restrictions on individual behaviors, businesses practices, and gatherings to protect the public.

While encouraging St. Louis County residents to continue to stay at home when possible and avoid situations that increase their risk of exposure to the virus, this Order eases restrictions on individuals and businesses, including allowing businesses to resume operating or continue operations, so long as they do so in alignment with this order and with the intent to protect employees and patrons.

Effective Monday, May 18, 2020, this Order adopts the Order of the Director of the Department of Health and Senior Services of the State of Missouri, dated April 27, 2020 in St. Louis County. Further, effective May 18, 2020, this Order replaces the "St. Louis County Department of Public Health 2019 Novel Coronavirus ("COVID-19") Extension and Amendment of Stay at Home Order" dated April 20, 2020, rescinds the "St. Louis County Department of Public Health 2019 Novel Coronavirus ("COVID-19) Order Prohibiting Certain Intentional Gatherings" dated March 19, 2020, and rescinds the "St. Louis County Department of Public Health 2019 Novel Coronavirus (COVID-19) Order Restricting the Operations of Restaurant and Bars Order" dated March 24, 2020. This Order is effective until rescinded or modified by the Director of the Department of Public Health. All other public health orders remain in effect.

Violating a public health order designed to "prevent the entrance of infectious, contagious, communicable or dangerous diseases" into St. Louis County is punishable as a misdemeanor pursuant to § 192.300, RSMo.

II. Purpose

The intent of this order is to provide standards for individual conduct while in public and for business operations with the goal to decrease transmission of COVID-19. This Order sets forth guidelines for individuals when they are in public. Individuals are encouraged to remain in their places of residence to the maximum extent feasible to reduce their own risks and risks to others of being exposed to and transmitting COVID-19. This Order also set the standards for open businesses to minimize the continued health risks associated with COVID-19 in St. Louis County.

III. Policy

1. The Order by the Missouri Director of the Department of Health and Senior Services dated April 27, 2020 and effective May 4, 2020 is hereby adopted and incorporated herein, and all restrictions therein will be enforced under this Order.
2. All Gatherings pose an increased risk of transmission and should be voluntarily avoided whenever possible. A Business engaging in direct service delivery with members of the public as described in paragraph 5 of this Policy will not be considered a Gathering. When a Gathering does take place and the provisions of paragraph 5 of this Policy do not apply, the Gathering must abide with the following precautions:
 - a. A person or business shall not organize or attend an intentional Gathering of more than 10 people in a single space or room, indoors or outdoors;
 - b. All Gatherings shall comply with Social Distancing Requirements and are encouraged to comply with Face Covering recommendations.
3. Except when wearing a Face Covering would compromise the health of an individual, Face Coverings are recommended to be worn by all residents over the age of two (2) in the following areas:
 - a. All public closed spaces;
 - b. Outside when six (6) feet of distance cannot be maintained from other non-household members; and
 - c. On any form of Public Transit.
4. All Businesses shall comply with Social Distancing Requirements and Disinfection Processes, and must take the following additional precautions:
 - a. All Businesses shall require frequent Disinfection Processes of all high touch surfaces and any other areas that may be frequently touched by customers, employees, volunteers or any other individuals.
 - b. All Businesses shall provide reasonable breaks for employees and volunteers to wash hands.
 - c. All Businesses shall train employees about procedures related to Disinfection Processes and Social Distancing Requirements.
 - d. All Businesses shall provide employees and volunteers working in the Businesses' facility with Face Coverings or supplies to make Face Coverings.
 - e. All Businesses shall require employees or volunteers to wear Face Coverings while at work, unless such employee or volunteer is working alone in an enclosed area or has a medical reason not to wear a Face Covering.
 - f. All Businesses shall conduct daily screening of employees and volunteers who work in their facilities for symptoms of COVID-19.
 - g. All Businesses shall encourage employees or volunteers to quarantine or isolate if they have or are believed to have COVID-19 or if they have come into contact with individual(s) with COVID-19.
5. Unless otherwise closed as set forth in Paragraph 7 of Section III, all Businesses that engage in direct interactions with members of the public, and primarily provide goods for sale, food or drink for consumption, personal services requiring sustained in-person contact, or religious or spiritual services, must:
 - a. Limit the number of individuals in any particular location to 25 (twenty-five) percent or less of the entity's authorized fire or building code occupancy in facilities with square footage of less than ten thousand square feet (10,000 ft²); or ten (10) percent or less of the entity's authorized fire or building code occupancy in facilities with square footage of ten thousand square feet (10,000 ft²) or more;
 - b. Install physical barriers between customers and employees where possible or otherwise ensure six (6) feet of distance between customers and employees, particularly in check-out lines, return-lines or any other place where there is prolonged contact between the customer and employee;
 - c. In all areas which are prone to lines or congregation, install clear markings with signage, tape, or other means that show six (6) feet of distance as the appropriate spacing between customers;
 - d. Provide signage inside and outside the facility outlining Social Distancing Requirements, limitations on crowd size, and procedures to limit crowd size;
 - e. Prohibit customers from bringing outside containers, including reusable bags or boxes, into the facility;

- f. Establish hours of operation, wherever possible, for individuals at high-risk of experiencing adverse outcomes from COVID-19 as defined by the CDC;
 - g. Arrange for contactless payment, pick-up and delivery options whenever feasible and provide postings as to the availability of such services.
6. Businesses may deny entry to members of the public who refuse to wear Face Coverings for non-medical reasons. A business shall not require the individual to produce medical documentation verifying a medical condition or ask about the nature of a medical condition. If the business is providing medication, medical supplies or food the business should provide alternate methods of pick up or delivery of such goods.
7. Due to the very high risk of transmission of COVID-19 related to certain types of congregation common to such facilities, the following businesses and venues are prohibited from operating or re-opening except with respect to the minimum necessary activities to maintain the value of a business's inventory, provide security, process payroll or employee benefits, or to facilitate employees of the business being able to continue to work remotely: entertainment, conference and sporting venues (regardless of square footage); gyms and fitness centers; banquet rooms; bars and businesses that primarily serve alcohol and do not serve full meals are limited to curbside and pickup service; indoor and outdoor pools except those located at an individual's residence; sporting events; sports courts; and playgrounds. This paragraph does not prohibit authorized professional sport team training sessions and practices provided that no members of the public attend these activities in person for entertainment purposes.

IV. Definitions

For purposes of this order, these terms, regardless of whether capitalized, are defined as follows:

1. "Business" or "businesses" means any for-profit companies, non-profit organizations, benevolent associations, limited liability companies, or partnerships, regardless of legal organization, form, entity, tax-treatment, or structure;
2. "CDC" means the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;
3. "County" means St. Louis County, Missouri;
4. "Disinfection Processes" means the process of destroying pathogenic microorganisms, and in the case of decreasing spread of COVID-19 includes:
 - a. Providing hand washing or sanitizing opportunities for the public where possible;
 - b. Requiring frequent sanitation of high touch areas with products thought to destroy COVID-19. High touch areas include but are not limited to:
 - i. Handrails;
 - ii. Elevator buttons;
 - iii. Door handles;
 - iv. Check-out areas, including keypads, credit card machines and other such systems;
 - v. Carts and baskets;
 - vi. Restrooms; and
 - vii. Shared computers or kiosks.
5. "Face Coverings" for the purpose of this order, means a device, usually made of cloth, that covers the nose and mouth. Consistent with current CDC guidelines, face coverings prevent those who may have COVID-19 from spreading it to others. Cloth face coverings are recommended for the general public over surgical or N95 respirators which should be reserved for medical professionals and first responders. Nothing in this Order should prevent workers or customers from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the business otherwise provides their workers with such equipment due to the nature of the work involved.

6. “Gathering” or “gatherings” means people coming together as a group, whether formal or informal, whether public or private and whether indoor or outdoor. For the purposes of this definition, Gatherings do not include the Gatherings that may occur at businesses that are not defined in Paragraph 5 of Section III.
7. “Public Transit” means businesses that provide transportation services, including but not limited to buses, light rail, rail, airlines, taxis, transportation network providers, livery services, vehicle rental services, ride shares and other private transportation providers.
8. “Social Distancing Requirements” means, to the extent possible, maintaining at least six-foot social distancing from other individuals; washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer with more than sixty percent alcohol; covering coughs or sneezes with something other than hands; regularly cleaning high-touch surfaces; not shaking hands; and behaviors as otherwise defined by order.

V. Application and Enforcement

1. Application with Other Laws: To the extent not otherwise explicitly modified or rescinded in this Order, any order of the Director of the Department of Public Health or any Executive Order remains in effect and this Order shall not supplant, supersede, replace, rescind, amend, or modify any other law, ordinance, rule, regulation, or permit condition or requirement.
2. In addition to other civil and criminal penalties that may be sought, DPH may enforce this Order. In accordance with 19 CSR 20-20.040 DPH has the authority to establish appropriate control measures to prevent or control the spread of an infectious disease, including isolation, quarantine, disinfection, and closure of establishments in the interest of public health. , In accordance with 19 CSR 20-20.040, DPH has the authority to deem a business, businesses comprising a certain industry, geographic areas or the County as a whole to be unsafe and order such business, businesses comprising a certain industry, or businesses in a geographic area, to cease operations or to close to prevent additional transmission. If DPH closes a business in accordance with such authority, that business will have the opportunity to be heard by the Director of DPH. In exercising its authority under 19 CSR 20-20.040, DPH will proceed with closures and enforcement actions including:
 1. At the individual level, including isolation and quarantine of cases, family members and close contacts;
 2. At the business level by location of transmission;
 3. At the industry/sector level if businesses in that industry are found to be particularly associated with transmission;
 4. By geographic area or location with significant outbreaks or clusters of cases;
 5. Through closure at the County level.
3. This Order replaces the “St. Louis County Department of Public Health 2019 Novel Coronavirus (“COVID-19”) Extension and Amendment of Stay at Home Order” dated April 20, 2020, rescinds the “St. Louis County Department of Public Health 2019 Novel Coronavirus (“COVID-19) Order Prohibiting Certain Intentional Gatherings” dated March 19, 2020, and rescinds the “St. Louis County Department of Public Health 2019 Novel Coronavirus (COVID-19) Order Restricting the Operations of Restaurant and Bars Order” dated March 24, 2020.

VI. Effective Date

This Order is signed May 8, 2020, shall become effective on May 18, 2020, and shall remain effective until rescinded or amended, which shall occur at the earliest possible date as is appropriate based upon data regarding COVID-19 transmission rates and the protection of public health.

VII. Savings Clause

If any provision of this Order or its application to any person or circumstance is held to be invalid, then the reminder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

VIII. Authorization

This Order is authorized pursuant to Executive Orders 10 through 18, which are incorporated herein by reference, and to Missouri and St. Louis County law, including the Missouri Constitution, §§ 192.006, 192.200 and 192.300, RSMo., Chapter 44 RSMo., 19 CSR 20-20.040 and 19 CSR 20-20.050 of the Rules of the Department of Health and Senior Services, the St. Louis County Charter and the St. Louis County Revised Ordinances.

So Ordered this 8th day of May, 2020.

By:

Dr. Emily Doucette
Acting Director
Chief Medical Officer
St. Louis County Department of Public Health

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