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Gallatin City-County Health Department

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AMENDMENTS TO EMERGENCY HEALTH RULE RELATING TO COVID-19

EHR-2020-001

WHEREAS, Section 50-2-116(2)(c)(i) provides that a local board of health may adopt regulations that do not conflict with 50-50-126, Montana Code Annotated (MCA) or rules adopted by the Montana Department of Public Health and Human Services;

WHEREAS, on March 18, 2020, the Board of Health held an emergency meeting, heard testimony, and made oral findings which are incorporated by reference, regarding the danger presented by COVID-19 and established Emergency Health Rule 2020-001;

WHEREAS, the Montana State Governor issued a directive on March 20, 2020, requesting additional business closures;

WHEREAS, the danger presented by COVID-19 to the people of Gallatin County cannot be averted or remedied by any other administrative act, including HO-2020-001;

WHEREAS, additional closures are necessary to prevent the spread of COVID-19;

WHEREAS, it is imperative that local governments act in harmony with state government to prevent confusion regarding which establishments are closed and utilize all tools to prevent and delay the spread of COVID-19.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Title 50, Chapter 2, Part 1, and specifically Section 50-2-116 of the Montana Code Annotated, the following amendments are made to Emergency Health Rule 2020-01:

Paragraph 1 is amended to read:

1. The following places are closed to ingress, egress, use and occupancy by members of the public, effective March 26 at 9:00 p.m. through April 17 at 8:00 a.m.:
 - a. All restaurants, food courts, cafes, coffeehouses and other similar establishments offering food or beverage for on-premises consumption;
 - b. bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, special licensees, clubs, and other establishments offering alcoholic beverages for on-premises consumption;

Customers may order and pay by telephone or online from a retailer or manufacturer licensed to sell alcoholic beverages in the State of Montana. A retailer or manufacturer licensed to sell alcoholic beverages in

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Eric Semerad - Gallatin County, MT MISC

the state of Montana may deliver for sale the alcoholic beverages for which it is licensed. Delivery must be conducted by the licensee's employees over the age of 21 and age of the purchaser and recipient must be verified at the time of delivery. The purchased alcohol must be hand-delivered to the purchaser.

In offering food or beverage, a place subject to sections 1-a through 1-b may permit up to five members of the public at one time inside for the purpose of picking up their food or beverage orders, so long as those individuals are at least six feet apart from one another while on premises.

- c. cigar bars;
- d. health clubs, health spas, gyms, aquatic centers, public pools and hot springs, indoor facilities at ski areas, climbing gyms, fitness studios, indoor recreational facilities, fitness facilities, athletic centers, workout studios, paintball parlors, ice skating rinks, trampoline parks, indoor sporting arenas;
- e. movie and performance theaters, cinemas nightclubs, concert halls, bowling alleys, bingo halls, music halls;
- f. casinos;
- g. personal care and body art establishments, including, but not limited to salons, nail salons, barber shops, beauty parlors, tanning salons, and body art establishments such as tattoo parlors, and piercing studios;
- h. massage services except those contained within state-licensed physical therapy or chiropractic practices;
- i. All regular services or other routine gatherings at houses of worship and religious buildings, provided that this rule does not apply to gatherings which have a purpose related to assisting in the response to the COVID-19 pandemic, such as the provision of day care services;
- j. Museums.

Paragraphs 2 and 3 are removed.

Paragraph 4 is renumbered and amended to read:

2: Food service establishments which provide the primary meal sources for a population that lives or works within its buildings, such as University-based dining facilities, cafeterias in hospital and health care facilities, juvenile justice facilities, congregate care facilities, residential care facilities, and crisis shelters or similar institutions, airport concessionaries, facilities necessary for the response to the emergency, including schools providing necessary meal services to children, may remain open to the population such an establishment serves. All of the above facilities and establishments should adopt appropriate social distancing practices to avoid the spread of disease to the extent practicable.

Paragraph 5 is renumbered and amended to read:

3. This rule does not apply to grocery stores or deli counters within grocery stores, to convenience stores, pharmacies, drug stores, and food pantries, or room service in hotels. Convenience stores with combined restaurants shall close their dining room facilities.

Paragraph 6 is renumbered and amended to read:

4: This rule applies to all health clubs, health spas, gyms, aquatic centers, public pools and hot springs, indoor facilities at ski areas, climbing gyms, fitness studios, indoor recreational facilities, fitness facilities, athletic centers, workout studios, paintball parlors, ice skating rinks, trampoline parks, indoor sporting arenas that provide services to the public, as well as fitness facilities belonging to private groups (e.g. University gyms, apartment or housing association, and care facilities, etc).

Paragraph 7 is renumbered:

5: This rule does not apply to licensed physical therapy practices, provided that such practices exercise appropriate social distancing.

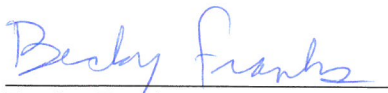
An additional paragraph is added as Paragraph 6:

6: Effective on March 26 at 9:00 p.m., non-essential and recreational gatherings of individuals outside of a home or place of residence greater than ten people are prohibited immediately if a distance of at least six feet between individuals cannot be maintained.

Paragraph 8 is renumbered:

7: Violations of this rule shall be punished pursuant to Sections 50-2-123, and 50-2-124, Montana Code Annotated.

Dated this 26th day of March, 2020.



Becky Franks
Gallatin City-County Board of Health Chair

ATTEST:


Eric Semerad, Clerk & Recorder

