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Gallatin City-County Health Department

Environmental Health Services
215 W. Mendenhall, Rm 108
Bozeman, MT 59715-3478
406-582-3120 • Fax: 406-582-3128

AMENDED EMERGENCY LOCAL HEALTH RULE RELATING TO COVID-19

EHR-2020-001-A

ESTABLISHMENT RESTRICTIONS

WHEREAS, President Donald Trump declared a nationwide emergency related to COVID-19 on March 13, 2020 via presidential proclamation;

WHEREAS, Montana Governor Steve Bullock declared a state of emergency in Montana due to the global outbreak of COVID-19 through Executive Orders 2-2020 and 3-2020;

WHEREAS, on March 18, 2020, the Gallatin County Board of County Commissioners proclaimed a state of emergency in Gallatin County, Montana due to the COVID-19 pandemic;

WHEREAS, also on March 18, 2020, the Gallatin City-County Board of Health (Board) adopted Emergency Health Rule (EHR) 2020-001 requiring certain business establishments in Gallatin County to be closed to the public through April 3, 2020 at 8:00 a.m., pending further notification, due to the Novel Coronavirus pandemic;

WHEREAS, Governor Bullock issued a directive on March 20, 2020, requiring the closure of certain business establishments throughout the State of Montana, and such directive applied to additional types of business establishments not included within the scope of EHR 2020-001;

WHEREAS, on March 24, 2020, Governor Bullock issued a second directive extending the closure of the business establishments identified in his March 20th directive through April 10, 2020;

WHEREAS, on March 26, 2020, the Board amended EHR 2020-001 by expanding the types of business establishments required to be closed to the public due to the COVID-19 pandemic, consistent with Governor Bullock's directives, and extended the closure of such establishments until April 17, 2020 at 8:00 a.m.;

WHEREAS, on April 7, 2020, Governor Bullock issued a directive extending the restrictions in the March 24, 2020 directive through April 24, 2020;

WHEREAS, the Board desires to further amend EHR 2020-001, consistent with Governor Bullock's April 7, 2020 directive, to extend the closure of the business establishments identified in EHR 2020-001 through April 24, 2020;

WHEREAS, pursuant to Section 50-2-116(1)(g), Montana Code Annotated (MCA), the Gallatin City-County Board of Health has the duty to "protect the public from the introduction and spread

of communicable disease or other conditions of public health importance, including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health”;

WHEREAS, Section 50-1-101(2), MCA, defines a “condition of public health importance” as “a disease, injury, or other condition that is identifiable on an individual or community level and that can reasonably be expected to lead to adverse health effects in the community;”

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

WHEREAS, under Chapter 1, Section 5 of the Gallatin City-County Health Code, the Board may adopt an Emergency Local Health Rule when it finds the rule: (1) “must be adopted to deal with an emergency situation affecting the public, health, safety, or welfare;” (2) “the emergency cannot be averted or remedied by any other administrative act;” and (3) at least two-thirds of the Board votes to approve the rule;

WHEREAS, per Section 50-2-116, MCA, COVID-19 is a condition of public health importance, and the public must be protected from the introduction and spread of the communicable disease;

WHEREAS, as of April 10, 2020, there are over 365 confirmed cases of COVID-19 and six deaths in the State of Montana;

WHEREAS, as of April 10, 2020, there are 134 confirmed cases of COVID-19 in Gallatin County;

WHEREAS, it is imperative that the Board act in harmony with the State of Montana and the Governor’s directives to utilize all tools to prevent and delay the spread of COVID-19 in Gallatin County;

WHEREAS, the requirements of this Rule are reasonable and necessary to address public health needs, specifically to maintain health and to control and prevent the spread of a contagious and infectious disease throughout Gallatin County due to COVID-19; and

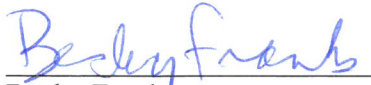
WHEREAS, for the foregoing reasons, the Board finds, pursuant to Chapter 1, Section 5 of the Gallatin City-County Health Code, that this Emergency Local Health Rule must be adopted to deal with an emergency situation affecting the public health, safety, or welfare, and this emergency cannot be averted or remedied by any other administrative act.

NOW, THEREFORE, EFFECTIVE IMMEDIATELY, Emergency Local Health Rule 2020-001 (as amended March 26, 2020) is amended as follows:

1. EHR 2020-001 and all of its terms are extended through April 24, 2020.
2. A new Paragraph 8 is added to EHR 2020-001 as follows:

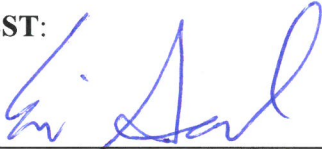
- 8: If any provision of this Rule, in whole or in part, is found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remaining provisions of this Rule.
3. All other provisions of EHR 2020-001 not amended hereby remain in full force and effect.

Dated this 15 day of April, 2020.



Becky Franks
Gallatin City-County Board of Health Chair

ATTEST:



Eric Semerad, Clerk & Recorder

