

RESOLUTION No. _____

**RESOLUTION TO APPROVE THE
JOHNSON COUNTY PUBLIC HEALTH FACE COVERING REGULATION**

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services declared a national public health emergency related to the dangers posed by COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States signed an emergency disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act authorizing emergency response measures in all fifty states in response to COVID-19; and

WHEREAS, on March 17, 2020, the Governor of Iowa issued a Proclamation of Public Health Disaster Emergency after multiple cases of COVID-19 had been confirmed in Iowa and the Iowa Department of Public Health determined that community spread was occurring within the state; and

WHEREAS, Iowa Code Section 135.140 defines a public health disaster as a disaster which specifically involves an imminent threat of an illness that poses a high probability of widespread exposure to an infectious agent that poses a significant risk of future harm to a large number of the affected population; and

WHEREAS, all available information indicates that COVID-19 continues to pose a substantial widespread risk of infection leading to a significant risk of harm to the population of Johnson County particularly as daily rates of persons testing positive in Johnson County are increasing despite consistent testing and contact tracing; and

WHEREAS, Johnson County is the location of the University of Iowa Hospitals and Clinics, Mercy Hospital, and the Veteran's Administration Hospital all of which provide medical care for persons from locations throughout the State of Iowa who may be medically impacted by COVID-19; and

WHEREAS, August will bring the return to Johnson County of thousands of students to attend the University of Iowa, and the return of children to school which will further increase the risk of spread of the virus within our community; and

WHEREAS, the Centers for Disease Control (CDC) has determined that face coverings are a critical tool in the fight against COVID-19 that could reduce the spread of the virus, particularly when used universally within communities; and

WHEREAS, the Governor's current proclamation requires that businesses and gatherings ensure social distancing of employees, customers, and attendees, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with the guidance of the Iowa Department of Public Health (IDPH); and

WHEREAS, the IDPH's reopening guidance advises that members of the public consider the use of face coverings when distancing is not possible because wearing face coverings in public places where social distancing measures are difficult (e.g. grocery stores and pharmacies) can help slow the spread of COVID-19, and refers the public to the "local public health agency, the appropriate

regulating agency or professional association" with questions about how to implement its guidance; and

WHEREAS, a requirement that persons wear face coverings is consistent with the Governor's proclamation, the guidance of the IDPH and the CDC; and

WHEREAS, a requirement that persons in Johnson County wear face coverings is essential to reducing the risk of transmission of COVID-19, and necessary to protect the health, welfare and safety of residents and visitors and accelerate local recovery efforts; and

WHEREAS, the Johnson County Board of Health enacted a face covering regulation on August 4, 2020, and has submitted such regulation to the Johnson County Board of Supervisors for approval pursuant to Iowa Code 137.104 (1 (b) (2); now

THEREFORE BE IT RESOVLVED, the Johnson County Board of Supervisors in response to this ongoing public health emergency approves the following Johnson County Public Health regulation to mandate the wearing of face coverings in public places:

FACE COVERING REGULATION

Section I. Authority and Applicability

- 1.01 Iowa Code 137.104 provides that, "a local board of health shall... make and enforce such reasonable rules and regulations not inconsistent with law and the rules of the state board as may be necessary for the protection and improvement of the public health."
- 1.02 The novel coronavirus, SARS-CoV-2, also referred to as COVID-19, is a virus that primarily spreads from person to person and can result in serious illness, long-term negative health impacts or death.
- 1.03 The Johnson County Board of Health finds that COVID-19 poses a continuing and immediate threat to the public health of Johnson County, Iowa residents and visitors.

Section II. Definitions

- 2.01 "ADMINISTRATIVE AUTHORITY" means the local board of health as authorized by Iowa Code Chapter 137, or its appointed representative.
- 2.02 "THE BOARD" means the Johnson County Board of Health
- 2.03 "THE COUNTY" means Johnson County, Iowa
- 2.04 "FACE COVERING" means a material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands, whether purchased or homemade, and consistent with the Centers for Disease Control and Prevention guidelines
- 2.05 "HOUSEHOLD MEMBER" means a person who lives a majority of time with the person in their apartment, house, mobile home, or other structure intended for residential occupancy
- 2.06 "INDOOR PUBLIC SETTING" means an enclosed area to which the public is invited

Section III. General Regulations

Therefore, pursuant to Iowa Code 137.104, be it hereby ordered and enforced by the Board as the Administrative Authority, as follows:

3.01 Every person in Johnson County shall wear a face covering when:

- A. In public as opposed to being in one's place of residence, when one cannot stay six (6) feet away from others
- B. Inside of any indoor public settings, for example, but not limited to:
 - 1. Grocery stores
 - 2. Pharmacies
 - 3. Hardware stores
 - 4. Retail stores
 - 5. Schools
 - 6. Other public settings that are not one's place of residence and when you are with persons who do not live in the household
- C. Outside, if keeping six (6) feet away from others is not possible
- D. Using public transportation or private car service (including taxis, ride share, or carpooling)

3.02 Exemptions. Places and times where persons are exempt from wearing a face covering:

- A. While traveling in a personal vehicle alone or with household members
- B. While a person is alone or is in the presence of only household members
- C. While exercising at moderate or high intensity e.g. jogging or biking
- D. While seated at a bar or food establishment in the process of eating or drinking
- E. While obtaining a service that would require temporary removal of the persons face covering
- F. When federal or state law prohibits wearing a face covering or requires the removal of the face covering

3.03 Exemptions. Persons who are exempt from wearing a face covering:

- A. Persons younger than 2 years old due to the risk of suffocation
- B. Anyone who has trouble breathing, on oxygen therapy or ventilator
- C. Anyone who is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance
- D. Anyone who has been told by a medical, legal, or behavioral health professional not to wear face coverings

3.04 Appropriate Use. If a cloth face covering is chosen, appropriate use of a cloth face covering includes:

- A. A snug fit, but comfortable against the side of the face
- B. Completely covers the nose and mouth
- C. Is secured with ties or ear loops
- D. Includes multiple layers of fabric
- E. Allows for breathing without restriction
- F. Can be laundered and machine dried without damage or change to shape

Section IV. Enforcement, Penalties and Implementation

- 4.01 The following regulation is not intended to be punitive or stigmatizing and is in the best interest of health, safety, and economic recovery. A violation shall constitute a simple misdemeanor.
- 4.02 The first offense shall be punishable by the minimum fine for a simple misdemeanor.
- 4.03 The second or subsequent offense shall be punishable by a fine up to the maximum fine for a simple misdemeanor.
- 4.05 This regulation shall become effective upon approval of the Board of Supervisors and publication in the local paper of record as described in Iowa Code section 137.104(1)(b)(2).
- 4.06 This regulation will expire when the Governor's proclamation of disaster emergency expires or when the Johnson County Board of Supervisors' declaration of public health disaster expires, whichever date is later.

It was moved by _____ and seconded by _____ the Resolution be adopted this _____ day of _____, 2020.

Roll Call

Green-Douglass _____ Heiden _____ Porter _____ Rettig _____ Sullivan _____

ATTEST:

Rod Sullivan, Chairperson
Board of Supervisors

Travis Weipert, Auditor
Johnson County, Iowa